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## **Introduction**

This is your copy of the City of Franklin's Human Resources Manual. No personnel manual can anticipate every possible situation, but the City has provided you these general guidelines in order to give you a better understanding of what the City expects of you and what you can expect of the City.

Please refer to this manual for guidance when you have a question about the City's policies. Of course, if you still have questions, your supervisor, Department Director and the Human Resources Department continue to stand ready to assist you as best they can.

While the City of Franklin fully intends to abide by these provisions for as long as they are in effect, you should understand that this manual does not constitute a contract between the City and any of its employees. Further, the Human Resources Manual can and may be changed, in accordance with the City's Municipal Code and state and federal laws, at the Board of Mayor and Aldermen's sole discretion at any time. No employee or other person enjoys any vested right to the continuation of any position, rules, regulations, policies, procedures, provisions or employee benefits contained within this Human Resources Manual.



## **Welcome to the City of Franklin**

Welcome to the City of Franklin as a new employee! We hope that you will find your employment with the City to be an interesting, challenging and enjoyable experience.

The City of Franklin was incorporated in 1799 and is organized under the Board of Mayor and Aldermen form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time. We hope you will join our effort to build and improve upon our long and proud history.

The City attempts to promote a feeling of understanding and respect among our employees. A key to our success lies in the quality and dedication of our employees. Each employee of the City of Franklin plays a critical role in providing the Franklin community with the best possible service.

Because of our belief in the importance of our employees, the City of Franklin strives to promote a work environment where employees are treated with dignity and respect. If you have any ideas for improving the way the work is performed, or if you have any other suggestions or problems, you should feel free to discuss these matters with your supervisor, Department Director or the Human Resources Department. By working together as a team, the City hopes to continue our tradition of providing excellent service to the Franklin community.





## **Article I – General Provisions**

### **Section A. Purpose**

It is the declared purpose of these Rules and Regulations to establish and provide normal, orderly and uniform policies and procedures for employees in their service to the City of Franklin, Tennessee.

These Rules and Regulations shall apply to all employees of the City without regard to race, color, religion, national origin, age, sex, disability, veteran's status or political affiliation, but shall not apply to those persons who are specifically exempted from coverage in accordance with these regulations. These Rules and Regulations shall be administered by the Human Resources Director under the direction of the City Administrator.

For simplicity's sake, all employees, whether male or female, are referred to by pronouns suggesting male gender. All use of the words "he", "him", or "his" is meant to include both genders and is in no way to be construed as being discriminatory.

### **Section B. Policy**

It is hereby the declared personnel policy of the City of Franklin that:

- 1) The City shall neither cause nor permit discrimination because of race, color, religion, national origin, sex, disability, veteran's status or age. The City shall make every effort to employ those individuals who are best qualified and capable of filling authorized vacant positions. The City staff shall not practice prejudice, favoritism, discrimination or political considerations concerning fellow employees, citizens, vendors or visitors.
- 2) Continued employment with the City shall be based on merit, performance, and individual ability and be free of favoritism, discrimination and political considerations.
- 3) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and effectiveness in the operation of the City.
- 4) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- 5) Appointments, promotions and other personnel actions requiring the application of the merit principle shall be based on a comprehensive employee evaluation and examinations where applicable.
- 6) Every effort shall be made to stimulate high morale by fair administration of this policy and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the City. Employees who believe this policy and/or these Rules and Regulations have been violated, either in the administration thereof or in the adherence

thereto, should report such belief to their supervisor, Department Director or to the Human Resources Director.

## Article II – Definitions

The following words, terms and phrases, when used in the Human Resources Manual, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

**Absence With Pay** - Absence approved by the Supervisor and/or Department Director and for which compensation is received.

**Absence without Pay** – An absence from duty which is without pay due to no accrued vacation leave, sick leave or compensatory time, or an approved leave of absence without pay.

**Absence Without Leave** - Unauthorized absence and for which a leave request was either not made or denied.

**Anniversary Date** - The most recent date of employment in a regular position used to determine seniority or eligibility for promotion.

**Active Employee** – An employee of the City who is not on unpaid leave and is not receiving short-term or long-term disability benefits from or through the City.

**ADA** – Federal Americans with Disabilities Act providing certain employment protections for individuals with qualifying disabilities.

**Appeals** – Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

**Applicant** – An individual who has applied in writing and/or submitted a resume in response to an opening, or has completed an application form for employment.

**Application** – A form or forms that are prescribed by the Human Resources Director in applying for positions with the City.

**Appointment** – The offer to and acceptance by a person of a position either on a regular full-time, regular part-time or temporary basis.

**Appointment Date or Employment Date** - The original date of appointment to, or employment in, a permanent position.

**Assembled Examination** - An examination for which applicants are required to appear at a specific place at a specific time.

**Assistant City Administrator** – The person or position delegated by the City Administrator with the responsibility for the overall coordination in planning, organizing, and directing the administration of assigned departments.

**Authorized Representative** - A person or persons possessing authority, authorized and delegated by the immediate superior, who has the authority and power to delegate such authority.

**Base Salary** – The actual salary amount in a given pay range exclusive of all pay differentials and allowances.

**Board of Mayor and Aldermen** – The Mayor and other members of the City Board of Mayor and Aldermen who collectively serve as the governing body of the City and are vested with the power to enact ordinances and resolutions for the City.

**Calendar Year** – Any twelve (12) consecutive months from a start date; also January 1 to December 31 of a given year.

**Certification** – The act of establishing a list of persons considered for a position for the purposes of selection.

**City Administrator** – The highest ranking appointed officer of the City, appointed by the City Board of Mayor and Aldermen.

**City** – Shall mean the municipal government of the City of Franklin, Tennessee.

**City Business Days** – Shall mean any Monday, Tuesday, Wednesday, Thursday or Friday, except holidays observed by the City, of any week.

**Classification** - The act of grouping positions into classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience and ability; and (3) tests of fitness. Classification allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.

**Classification Plan** – The plan approved by the Board of Mayor and Aldermen upon recommendation of the Human Resources Director and the City Administrator which places jobs into pay groups.

**Classified Service** – The most recent period of employment with the City without a break in service as evidenced by separation from the City payroll and Human Resources records.

**Closing Date** – The last date established for which applications can be received for a particular position.

**Compensation Plan** - The official schedule of pay approved by the Board of Mayor and Aldermen assigning a range of pay to pay grades.

**Compensation** – The standard rates of pay which have been established for the respective classes of work.

**Compensatory Time** – Time off from work in lieu of monetary payment for overtime worked.

**Continuous Service** – The most recent period of employment with the City without a break in service as evidenced by separation from the City payroll and Human Resources records.

**Counseling** – A verbal statement which may be documented in written form, made to improve an employee's job performance or job-related behavior. Counseling is not disciplinary action and is not grievable.

**Critical Response Positions** – Positions requiring response to service or call to duty because of a potential threat to life or property or other emergency.

**Demotion** – Re-assignment of an employee from one position to another, the latter of which has a lower level of responsibilities and a lower maximum rate of pay and rank than the former.

**Department** – The primary organizational unit which is under the immediate charge of a Department Director.

**Department Director** - The Supervisor immediately in charge of a department, the primary organizational unit.

**Departmental Rules** – Any written policies, procedures or orders established by the Department Director and approved by the City Administrator which dictate certain expectations, actions, rules or regulations. All departmental rules shall be consistent with these rules.

**Disability** – A physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment or is regarded as having such impairment.

**Disciplinary Action** – Action which may be taken when an employee fails to carry out designated position duties and responsibilities or to follow departmental rules or any provisions of these Rules and Regulations.

**Dismissal** – The final step in disciplinary action which terminates an employee's employment with the City.

**Eligible** - A person who has successfully met required qualifications for a particular position.

**Eligible List** - The ranking of eligible for a vacancy in order of overall qualifications.

**Employee** – An individual who is employed by the City and is compensated through the City payroll for services performed.

**Employee Development** - Training programs for the purpose of improving an employee's quality of service, productivity and chances for advancement.

**Evaluation** – The system that has been established for use by supervisors to assess employee job performance.

**Examination** - The process of testing, evaluating or investigating the efficiency, fitness and qualifications of applicants and employees.

**Executive Leadership Team** – Consists of the City Administrator, Assistant City Administrator(s), Department Directors, the CIP Executive/City Engineer, Facilities Project Manager, and the Communications Manager.

**Exempt Employee** – A person employed in a bona fide executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA) and therefore exempt from the overtime requirements of the FLSA. To qualify for an exempt status, the requirements of the employee's position must meet all of the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

**Exempt Service** – Refers to the positions listed in Article III of this manual. **FMLA** – Family and Medical Leave Act of 1993 as amended.

**Grievance** – A dispute arising between employees and/or between an employee and the employee's supervisor and/or the employee's Department Director and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision, including disciplinary actions other than dismissal, affecting the employee.

**Human Resources Director** – The person or position delegated by the City Administrator with the authority to serve as the Human Resources Director.

**Immediate Family** –

- For purposes of using sick leave, "immediate family" shall mean present spouse, children (including natural, step and adoptive), parents, step-parents, in loco parentis, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.
- For the purpose of using bereavement leave, "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.

**Inactive Employee** – An employee of the City who is either on unpaid leave or receiving short-term or long-term disability benefits from or through the City.

**Inactive Service** – The period of time, if any, during which an employee of the City is either on unpaid leave or receiving short-term or long-term disability benefits from or through the City.

**Job Description** - A written document describing the essential functions of a job, additional functions, minimum qualifications, ADA requirements and performance indicators.

**Lay-off** – The involuntary, non-disciplinary separation of an employee from a position because of shortage of work, materials or funds.

**Leave** – An approved type of absence from work as provided for by these Rules and Regulations.

**Leave of Absence** - Time off from scheduled work with permission, but without pay and without loss of seniority if reinstated. Sick leave, maternity leave, vacation leave, civil leave, educational leave, FMLA leave and military leave are not considered a leave of absence.

**Leave for Adoption, Pregnancy, Childbirth, and Nursing an Infant** – Leave for the purpose of providing time for employees to be absent from employment for the purpose of adoption, pregnancy, childbirth, and nursing an infant.

**Military Training Leave** - In accordance with TCA 8-33-109, the period of fifteen (15) working days or less, with pay, per calendar year, granted to employees who are members of a Military Reserve Component. Military Training Leave is not charged to vacation leave.

**Nepotism** - Favoritism shown to relatives by reason of relationship rather than merit.

**On Call** - Being available at a designated place for a designated period of time. Whether or not the employee is on call shall be judged in accordance with the FSLA Regulations as set out in 29 CFR, Part 553.221.

**Neutral Third Party** - Any certified mediator, arbitrator, retired judge or administrative hearing officer, or other trained/recognized third party mediator, who does not have a current business relationship or position with the City of Franklin. A neutral third party may be appointed to hear disciplinary appeals and/or an appeal of grievance.

**New Hire** – An applicant who has accepted a conditional offer of employment from the City.

**Non-Exempt Employee** – A person employed in a position that is not in an executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor. An employee in this position is subject to all provisions of the Fair Labor Standards Act (FLSA).

**Occupational Disability or Injury Leave** – A medically excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable (1) by the City's workers' compensation insurance carrier and (2) under provisions of the Workers' Compensation law.

**Official** – When referring to a person, shall mean a member of the City of Franklin Board of Mayor and Aldermen.

**Overtime** – Time worked by an employee in excess of the maximum hours allowed per work period under the Fair Labor Standards Act and as provided for herein. Generally, overtime is paid for all hours actually worked over 40 during a seven-day work period. However, certain public safety employees are allowed to work additional hours over a longer work period before overtime is required.

**Overtime Pay** – Compensation paid to an employee in accordance with federal regulations and these rules for overtime work performed.

**Pay Grade** - Specific pay rates having a percentage relationship to one another to which all full-time positions are assigned.

**Pay for Performance** - Pay raises given based on performance, as judged by the supervisor and concurred in by the Department Director, Human Resources Director and City Administrator of a “meet expectations” level or above, as described in the job description.

**Pension** - The annuity payment received due to retirement from a municipal position based on age, years of service and average monthly compensation. (See Employee Pension and Trust Summary Plan Document in Appendix E.)

**Performance** – The way in which an employee executes assigned duties and responsibilities.

**Permanent Position** – A budgeted position established by the Board of Mayor and Aldermen for a continuous, indefinite period of time.

**Personnel File** - An official file which is maintained in the Human Resources Department for each employee and generally consists of such items as application or resume for employment, records of transfers, promotions, demotions, reinstatements, reclassification, changes in pay, training, performance evaluations, leaves, disciplinary actions and counseling interviews, etc.

**Position** - Any office or employment, whether occupied or vacant, full-time or part-time, consisting of a group of essential functions, additional functions and responsibilities legally assigned or delegated to one individual by competent, appropriate authority.

**Probationary Employee** – An individual who has not yet completed a probationary period.

**Probationary Period** – A trial period served after the initial selection process by all new employees before attaining regular status or after an employee is promoted, in which the employee is required to demonstrate his fitness for the position by the actual performance of the duty. The initial probationary period shall be twelve (12 months for all departments. During this period, either the employee of the City may terminate employment for any reason. All promotional probationary periods are for six (6) months.



**Promotion** – Officially authorized re-assignment of an employee from one position to another, the latter of which has a higher level of responsibilities and a higher maximum rate of pay and rank than the former.

**Qualifications** – The requirements of education, experience and other skills prescribed by the job description.

**Rank** - The order in which an applicant's name appears on an eligible list based on the individual's composite score in the evaluation process.

**Reasonable Accommodations** – Accommodations required pursuant to State and Federal Law.

**Re-Classification** - A classification action of a position by classifying it upward, downward or to a different type of position on the basis of sufficient changes in the type, difficulty, or responsibility of work assigned to the position.

**Records** - All records maintained on each employee, both in the Human Resources Office and the departments, such as the personnel file, attendance records, medical records, records of disciplinary actions, counseling records, pay and benefit records, training accomplishments, etc.

**Re-employed Employee** – An employee who has had prior service with the City, was laid off and has been hired from a current Re-employment Eligible List.

**Register (list)** - A recruitment document consisting of eligible applicants which has been established by the Human Resources Director and used to fill vacant positions.

**Rate of Pay** – A specific dollar amount, expressed as an annual rate, a monthly rate, a bi-weekly rate, a weekly rate or an hourly rate.

**Reprimand** – A type of disciplinary action, oral or written, denoting a violation of personnel regulations, which becomes part of the employee's personnel record if written.

**Regular Appointment** - Appointment without time limitation or special restrictions as to continued employment.

**Regular Employee** - An employee who was appointed in the Classified Service and who has satisfactorily completed his/her probationary period (includes regular part-time employee).

**Removal** - Separation of an employee on probation or for failure to meet legal requirements for employment.

**Requisition** - A request by a Department Director to secure a list of eligible applicants from the Human Resources Office.

**Regular Full-Time Employee** – An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work at least forty (40) hours per week on a non-temporary basis.

**Regular Part-Time Employee** - An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work thirty (30) or more hours, but less than forty (40) hours on a non-temporary basis. Part-time employees who work less than 30 (thirty) hours per week do not meet the minimum hours required to receive the benefits of a regular part-time employee.

**Resignation** – Termination from the employ of the City at the request of the employee.

**Seniority** – Length of service as a City employee.

**Separation** - The termination of employment from the City for any reason.

**Service Awards** - An award given for a period of continued service.

**Sick Leave** – Approved absence due to non-occupational illness, injury, or health maintenance for the employee. Sick leave shall be considered a benefit and not a right for employees to use at their discretion.

**Supervisor** – Any individual having authority on behalf of the City to assign, direct, evaluate the job-related performance of and/or discipline other employees.

**Suspension** – An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee, which may be with or without pay as decided by the employee's Department Director and Assistant City Administrator, if applicable, or the City Administrator, as applicable.

**Sworn Personnel of the Fire Department** – All Fire Department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

**Sworn Personnel of the Police Department** – All Police Department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

**Temporary Employee** – An employee holding a position other than regular, which is of a temporary, seasonal, casual or emergency nature working less than eighteen hundred hours in a one year time period

**Terminal Leave** - Leave granted to a retiring employee following his/her last workday and usually consisting of unused, accrued accumulated vacation time and/or compensatory time. Certain retiring employees may also take up to 120 sick days.

**Terminal Pay** – The compensation paid to a terminating employee following the last workday.

**Terminating Employee** – An employee of the City who is ending employment due to resignation, layoff, death, retirement or dismissal.

**Termination** – The cessation of employment with the City due to resignation, layoff, death, retirement or dismissal.

**Time In Grade** - Calculated from the hire date in the Classified Service or the date of reclassification or promotion to another position.

**Transfer** – Re-assignment of an employee from one position to another position.

**Uniformed Fire Personnel** - An employee of the Municipal Government who has an inherent duty imposed to uphold and enforce the State and Municipal Codes and Regulations and other law in Fire Suppression and Prevention, and is identifiable by wearing of the uniform and insignia of the Fire Department of the City of Franklin.

**Vacancy** – An unoccupied budgeted position within the City.

**Vacation Leave** – Paid leave for approved time off from work which does not qualify for other types of paid leave. (See Article XIV, Section B)

**Work Cycle** - The number of hours regularly scheduled to be worked during a twenty-eight (28) day period on which overtime and/or compensatory time is based; applies only to Uniformed Fire Personnel on shift.

**Work Day** – Scheduled number of hours an employee is required to work per day.

**Work Week** – The number of hours regularly scheduled to be worked during any seven (7) consecutive days; usually forty (40) hours with special provisions made in those departments requiring additional work shifts or work hours such as public safety.



## **Article III – Coverage**

All offices and positions of the City are divided into the Classified Service and the Exempt Service. The “Classified Service” includes all regular full-time and regular part-time positions in the City service which are not specifically placed in the Exempt Service by the Municipal Code. All offices and positions of the City specifically placed in the Exempt Service shall be as follows:

- 1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices, including those officials elected by the Board of Mayor and Aldermen;
- 2) Members of appointive boards, commissions or committees;
- 3) Persons employed under contract or agreement to provide the City with specific expert, professional, technical or other services of occasional character;
- 4) Volunteer personnel, such as reserve police officers, and all other personnel appointed to serve without compensation;
- 5) City attorney and assistant City attorneys;
- 6) Seasonal employees hired by the City for less than 1,500 hours during a 12-month period;
- 7) Part-time employees paid by the hour or day;
- 8) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property;
- 9) Persons serving the City as independent contractors;
- 10) Persons retained as consultants on a fee basis;
- 11) Persons jointly employed by the municipality and some other governmental agency;
- 12) The City Administrator, City Recorder and City Judge.



## **Article IV – Administration**

The City Administrator shall have the responsibility for the personnel program as set forth in Title 4, Chapter 1 of the Municipal Code and subject to the powers vested in the governing body by charter. He specifically shall:

- 1) Be responsible for effective personnel administration.
- 2) Designate a Human Resources Director, or combine the duties of the personnel office with that of another position, who shall be responsible for the administration and technical direction of the City's personnel program;
- 3) Appoint, remove, suspend, and discipline all officers and employees of the city subject to the policies as set forth in Chapter 4 of the Municipal Code, provisions of the charter, and those in state law. To provide for the day-to-day operation of the city, each Department Director shall have the authority to employ, suspend, dismiss, and discipline employees under his or her control subject to the review of the human resources director, confirmation by the city administrator, and in accordance with the Municipal Code.
- 4) Fix and establish the number of employees in the various City departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in Municipal Code and the City charter subject to the approval of the governing body and budget limitations; and

The Human Resources Director shall administer under the direction of the City Administrator the personnel program as set forth in Title 4 of the Municipal Code.





## **Article V – Classification Plan**

### **Section A. Purpose**

The classification plan provides a complete inventory of all positions in the City's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

### **Section B. Composition of the Classification Plan**

The classification plan shall consist of:

- 1) A grouping in classes of positions in relation to one another which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions; reflecting the hierarchical structure of the organization.
- 2) Class titles, together with a description of the work of the class, which identify the class.
- 3) Written specifications for each class of positions.

### **Section C. Use of the Classification Plan**

The classification plan shall be used:

- 1) As a guide in recruiting and examining candidates for employment.
- 2) In determining lines of promotion and in developing employee training programs.
- 3) In determining salaries to be paid for various types of work.
- 4) In providing uniform job terminology understandable by all City officers and employees and by the general public.

### **Section D. Administration of the Classification Plan**

The Human Resources Director is charged with maintenance of the classification plan to assure that it reflects the duties performed by each employee covered in the plan and the class to which each position is allocated. It is the Director's duty to examine the nature of the classes and to update the classification plan as necessary by changes in the duties and responsibilities of existing positions, and periodically to review the entire classification plan and recommend changes to the City Administrator. (See also Article IX Compensation Plan of this Human Resources Manual.)

## **Section E. Allocation of Positions**

When a new position is established, or duties of an existing position change, Department Directors shall submit in writing a comprehensive job description describing in detail the duties of such a position. The job description will contain a general description of the position, essential functions and additional duties of the job. It should be noted that these are not entirely inclusive or descriptive of all duties. The job description will also contain minimum training and qualifications and physical, cognitive and sensory standards required to perform essential job functions. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the position in order to assure that the best qualified individuals are selected for the position on the basis of merit and efficiency. The Human Resources Director shall thereupon investigate the actual or suggested duties and shall then make a recommendation to the City Administrator as to the appropriate class allocations or the establishment of a new class. The City Administrator shall make the final decision as to reclassification of employees into positions authorized by the Board of Mayor and Aldermen in the City's Classification and Pay Plan.

## **Article VI – Recruitment**

### **Section A. Policy**

It is the policy of the City to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the Department Director shall submit a Personnel Requisition (see Appendix A) to the Human Resources Director. Personnel requisitions must be approved by the City Administrator before the vacancy is advertised or posted by the Human Resources Director. It is the policy of the City that the recruitment and selection of an applicant for employment shall be based upon that individual's qualifications, competency and potential, and shall not be influenced by race, color, religion, national origin, age, veteran's status, political affiliation, disability, or sex. Individuals shall be recruited from a wide geographic area to assure obtaining well-qualified applicants for various types of positions.

### **Section B. Job Postings; Transfers; Promotions**

The Human Resources Director shall insure the posting of all authorized positions, as they become vacant for the purpose of informing City employees. Once a personnel requisition has been filed, the Human Resources Director, in consultation with the Department Director, will determine whether an open (external) competitive examination or a promotional (internal) examination will best serve the interests of the City. The Human Resources Director shall determine if internal vacancies shall be posted to one department, selected departments, or City-wide.

Application for employment shall be accepted only when a specific vacancy is announced and only until the closing date of the vacancy. All applicants must be required to complete a City application form. However, resumes, transcripts, training certifications and other certifications may be attached and, in some cases, may be required in order to judge the applicant's merit and fitness.

Transfer or promotion of an employee within that employee's department shall be reviewed by the Human Resources Director and approved by the employee's Department Director, Assistant City Administrator, and the City Administrator.

Lateral transfers shall be made only after evaluating whether the transfer is in the best interest of the City and the employee. Finding a capable replacement for the employee who is seeking a transfer must be considered.

Transfer or promotion of an employee from one department to another shall be coordinated through the affected Department Directors and the Human Resources Director, and shall be subject to the approval of the City Administrator. Generally, employees are not eligible for promotion or transfer to another department during the probationary period. The employee must have both a satisfactory performance record and no adverse disciplinary action during the twelve (12) months immediately preceding the closing date for application submittal.

## **Section C. Notification**

The Human Resources Department shall prepare recruiting notices to publicize vacancies and to secure applicants for vacant positions. As an accommodation to persons with disabilities, notices shall be provided in alternate formats if requested.

## **Section D. Minimum Qualifications**

The Human Resources Director, in consultation with the Department Director concerned, shall review the minimum qualifications as specified in the current job description. Upon approval by the City Administrator, such requirements shall be announced in all vacancy and/or promotional announcements.

## **Section E. Residency Requirements**

As a condition of employment, all Department Directors, the Risk Manager, and regular employees of the City of Franklin determined to be in “critical response” positions (as defined in Article II of these Rules) shall continuously maintain a place of residence that will permit the employee to report for work at the required time, both during normal and emergency periods, regardless of road and weather conditions. Department Directors will establish emergency response guidelines, regarding time and/or distance. Failure to comply with these provisions may be cause for dismissal.

Job applicants will be notified by selecting supervisors and vacant position announcements about residency requirements.

All Department Directors and the Risk Manager, employed or selected after July 1, 2003, must establish and continuously maintain a residence in Williamson County (within the City of Franklin is preferred) within twelve (12) months of employment. The Police Chief and the Fire Chief must maintain a residence within the City of Franklin or its Urban Growth Boundaries.

Employees hired/promoted in critical response positions shall be given a period of twelve (12) months from the date of full-time employment to meet established residency requirements of the position. Failure to comply with this residence requirement shall be cause for dismissal or removal from the position to which promoted.

Cases involving extreme hardship making such a move impracticable or other good and sufficient reasons considered to be controlling or in the best interests of the City, shall be referred to the City Administrator. Hardship requests must be sent in writing and include detailed explanation of the circumstances involved to the Department Director for approval and concurrence by the Human Resources Director. Final approval for a waiver rests with the City Administrator.

## **Section F. Rejection of Applicants**

The Human Resources Director may reject any new applicant for employment if it is determined that the applicant is not qualified for the job. The reasons for rejection may include, but are not limited to, any one or more of the following: the application was not timely filed on the prescribed form; the applicant does not possess the minimum qualifications; the applicant has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment; the applicant has made a false statement of any material fact; the applicant is unable to perform the essential functions of the position with or without reasonable accommodation; the applicant is addicted to the habitual use of drugs, not including alcohol ; the applicant does not reply to mail or telephone inquiry; the applicant fails to accept appointment within the period of time prescribed in the offer; or the applicant was previously employed and was removed for cause or resigned not in good standing.

## **Section G. Examinations**

All appointments may be subject to competitive examination. All examinations shall fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to be filled.

Examinations may consist of one or more of the following types: A written test of required knowledge; an oral interview by the supervisor, the Department Director and the Human Resources Director or his designee and/or an oral interview board established to assess the knowledge, skills and abilities of the applicants; a performance test of manual skills; a physical test of the candidate's ability to perform the essential functions of the position; a written test of mental ability; or an evaluation of training and experience. The Human Resources Director will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

## **Section H. Conditional Offer of Employment**

All offers of employment shall be made by the Human Resources staff.

## **Section I. Medical Exam**

After a conditional offer of employment and prior to the first day of employment with the City, all regular full-time new hires shall be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position for which they have been offered employment. Such physicals shall be job-related and in accordance with the City's drug and alcohol testing policy (see Appendix J), including drug testing. Certain public safety positions may also require successful completion of a post-offer psychological exam, as required by law.

## **Section J. Polygraph Test**

A polygraph (or other truth verification device) test shall be required of final candidates for all sworn positions within the Police Department and Fire Departments and may be required for other positions as mandated by law. Such a test shall be specific and directly related to the potential employee's performance and official duties, and to the public interest of the City.

## **Section K. Background Checks**

The City shall conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. After a conditional offer of employment, candidates for certain positions may be required to undergo a background check completed by an independent company under contract with the City.

## **Article VII – Examinations**

### **Section A. Recruitment by Examination**

It is the policy of the City of Franklin that all appointments in the Classified Service shall be based on merit, efficiency and fitness and may be subject to competitive examination. When used, all such examinations shall fairly and impartially test the qualifications and fitness of candidates to efficiently discharge the duties of the position to be filled. Examinations may be promotional or open to outside applicants. Because of the expensive and time-consuming nature of Police Officer and Firefighter testing and the need to select the most highly qualified applicants for these public safety positions, entry level police and fire positions will only be filled through competitive examination and not by promotional list. Internal applicants are invited to apply for such positions, but will be treated like all other applicants during the screening and testing phases. Generally, for all positions above entry level, internal promotions will be made. All vacancies, except for department specific promotional opportunities, will be posted on all City bulletin boards.

### **Section B. Applicant Screening and Review**

The City recognizes that departments have different organizational needs. Department Directors or their designees have the responsibility of working with the Human Resources Department to screen applicants.

Admission to examinations is open to applicants who, as determined by the Human Resources Director, meet the requirements specified in the public notice of the vacancy, and who filed timely application on the prescribed. Each applicant whose application has been accepted for any examination shall be notified of the time, date and place of the examination. No person shall be permitted to take any examination without authorization by the Human Resources Director or designee.

### **Section C. Types of Examinations**

Examinations may be used for initial appointment or promotions in order to establish a rank-ordered list of eligibles for any position. These fitness tests shall consist of, but shall not be limited to, one or more of the following selection tools as determined by the Human Resources Director. Any combination of the following selection techniques, or others which may be appropriate, may be utilized:

### **Section D. Rating of Education, Training and Experience**

The Human Resources Director or designee will rate all applicants for employment and promotion upon information regarding education, training and experience in the application form, resume, performance evaluation forms, training certificates, transcripts and other data as may be secured through the interview or from other sources. A rating may be given in promotional examinations on commendations, discipline, safety violations and/or leave usage.

This information shall be subject to investigation as to truth and completeness. This rating may be competitive and/or qualifying. The qualifying rating may be used to determine whether to further test the applicant.

A personal interview may be conducted by one or more persons and is used to evaluate the skills, attributes and knowledge of applicants, ability to deal with others, to meet the public and to handle stress.

Written Examination - This tool, when required, shall include a written demonstration of the applicant's knowledge and skill and the field for which the test is being held, and may include standard tests of mathematical ability, English usage, a range of general information or general educational attainments.

Performance Test - This part, when required, shall involve such tests of performance as would aid in determining the cognitive ability and/or manual skills of applicants to perform essential job functions. A cognitive or aptitude performance test might be used to determine mental alertness and ability to problem-solve and adjust thinking. Examples include tests for composing a letter, filing, operating computers, vehicles and other equipment.

Physical Test - When required, this test may be either competitive or qualifying and consists of tests of job-related bodily condition, muscular strength, agility and physical coordination. This test may be given a weight in the examination or may be used in excluding from further examination applicants who do not measure up to the minimum required standards.

Assessment Center - An assessment center tests the applicants on a number of essential job functions, including making oral and written presentations, working as a group, handling the media, counseling employees, and handling administrative work (in-basket exercise). It may also measure teamwork, sensitivity, community concerns, leadership, judgment, sense of responsibility and commitment to the organization and the ability to think logically. To the extent possible, at least 50% of the assessors will have been trained and served on assessment panels previously.

Test Security - Test security is an important issue in ensuring fairness in a competitive selection process, especially where oral interviews or boards, written examinations, assessment centers and performance tests are used. There are five different stages of exam development and administration where test security is an issue, including exam development, exam storage after development, administration of the examination, examination storage after the exam is administered and feedback of examination results to the candidates.

Examination development team members, including clerical support staff, will not discuss the process at any time with anyone. Materials should not be typed in high traffic areas. Copies of interview questions and written test materials will be made only by the Human



Resources staff. Copies will be retained in the Human Resources Department under lock and key.

Tests purchased from testing services will be opened to verify contents and quantities by the Human Resources Director or designee and will be stored by the Human Resources Department in a locked office until the date of the tests. If the tests are developed internally, copies will be controlled and stored under lock and key in the Human Resources Department.

Security measures will be taken during test administration. A count of test materials should be made immediately before and after the test is administered. Accountability must be strict. A sufficient number of proctors will be used to ensure candidates do not cheat or copy exam materials. Candidates will be informed that those caught cheating will be disqualified.

After the examination, materials, including answer sheets, scoring sheets, stencils and test booklets, will be stored under lock and key in the Human Resources Department. Unused purchased tests may be returned to vendors by a mail service with package tracking. In some instances, vendors will also require used test materials to be returned. Used test booklets, score sheets and materials may also be shredded. The test publisher's guidelines will be strictly adhered to. City of Franklin developed materials will be shredded after the expiration of the certification list or new materials may be developed.

When giving feedback to candidates regarding the results of the examination, candidates will not be left alone with exam materials or be allowed to copy or take notes. Test results and testing materials may be subpoenaed by the City Administrator or in court action.

## **Section E. Rating Examinations**

Appropriate techniques and procedures shall be used in rating the results of examinations in determining the relative ranking of the applicants. Minimum ratings by which eligibility may be achieved may be established by the Human Resources Director, after discussion with the Department Director. Minimum ratings may apply also to the ratings of any part of the examination. These ratings may be established as a score or as percentage of applicants (i.e., top 30% of applicants). Generally, any applicant who fails to attain at least this passing score shall be considered to have failed this examination and shall not be examined on any further parts if they are planned. Minimum ratings may be lowered, but not raised, after publication if more than 50% of the applicants fail to meet this score or to reach a larger pool of under-represented groups, providing these individuals meet minimum qualifications for the position.

The Human Resources Director shall determine a final score for each competitor's examination, computed in accordance with the weights for several parts as established by the Human Resources Director and approved by the City Administrator and set forth in the examination announcement. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedures, except as provided below.

Seniority and merit are considerations on promotional examinations as follows: Promotional examinations shall give credit for seniority by adding points to the final score of a

candidate as follows: One (1) point shall be added for each full and complete year of unbroken service that the employee is in residence and actively performing the duties of his/her position up to a maximum of ten (10) points. (Time served on Military Leave of Absence while employed by the City of Franklin shall be counted as “time in residence and actively performing” for the purpose of administering this rule.

## **Section F. Notification and Inspection of Examination Results**

Each person who takes an examination shall be notified by the Human Resources Director, by letter, of his/her final rating standing on the eligible list or failure to obtain a place on the list. An examinee who fails any part of the examination, or the total examination, shall be notified of his/her failure. Each person in an examination shall be permitted to inspect his/her rating, papers and other records of the examination by submitting a written request to the Human Resources Director in accordance with the Tennessee Open Records Act. In order to protect the integrity of the assessment, such inspection must be done within thirty (30) calendar days. Any necessary explanation of the methods by which ratings were developed shall be supplied. A manifest error in rating any phase of an examination may be appealed to the City Administrator for review in accordance with Section H of this rule.

Each applicant for original appointment who has made a passing score on all parts of the exam, who has been honorably discharged from the Armed Forces of the United States, and who served during a period of declared war, shall have Veteran’s Preference Points added to the final rating as defined in TCA 8-30-306, as follows:

Veterans	-	5 Points
Disabled Veterans	-	10 Points

These ratings may be weighted in arriving at the final score.

## **Section G. Medical Examinations**

Every prospective employee shall be given a medical examination and a drug screen by a licensed physician designated by the City of Franklin before employment to determine if he/she meets necessary physical fitness standards for the position which he/she was selected for. Applicants for Police Officer vacancies and other designated positions may also be required to undergo a psychological examination with a licensed psychologist or psychiatrist to determine mental/emotional fitness. Applicants for employment will be required to undergo these examinations only after a conditional offer of employment has been made. The cost of this physical examination shall be borne by the City. Applicants determined to be physically or mentally unfit for service shall not be considered for appointment.

All employees of the City of Franklin may, during the period of their employment, be required by their Department Director, and with the approval of the City Administrator, to undergo periodic medical and/or psychological examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. These periodic

examinations shall be at no expense to the employee. Determination of physical or mental fitness will be by a health care provider designated by the Human Resources Director and approved by the City Administrator.

When an employee of the City of Franklin is reported by the examining physician/psychologist to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within five days from the date of his/her notification of such determination, indicate in writing to the Human Resources Director his/her intention to submit the question of his/her physical or mental unfitness to a health care provider of his/her own choice and at the employee's expense.

In the event there is a difference of opinion between the health care providers, a third physician/psychologist may be chosen by the other two providers. The third provider's decision shall be final and binding as to the physical or mental fitness of the employee. The cost of the third examination shall be paid by the City.

An employee determined to be physically or mentally unfit to continue in the position in which he/she is employed may be demoted (in accordance with these rules) or separated from the City of Franklin.

## **Section H. Appeals on Examinations**

Appeals from the decision of the Human Resources Director or Department Directors in the implementation of this chapter are as follows:

Any applicant for admission to an open competitive or promotional competitive examination who has been disqualified by the Human Resources Director may appeal to the City Administrator for consideration of his/her qualification, provided the appeal is made in writing to the Human Resources Director not later than forty-eight (48) hours prior to the announced time for holding the written examination. In the event of the filing of such appeal with the Human Resources Director, the applicant shall be admitted to the examination pending consideration by the City Administrator of such appeal. The City Administrator's decision shall be final.

An applicant who has taken an examination may appeal to the City Administrator for review of his/her rating on any part of such examination to assure that uniform rating procedures have been applied equally and fairly. The appeal must be filed in writing within seven (7) days after the date on which notification of the results was mailed to the applicant. A rating on any part of an examination shall not be changed unless it is found by the City Administrator that a substantial error has been made. The City Administrator's decision with respect to a review and/or change shall be final and reduced to writing and sent to the applicant. Any correction found necessary in the rating shall not affect a certification or appointment which may have already been made from the eligible list.

In accordance with the provisions of the Municipal Code, it shall be the duty of the City Administrator to review and/or modify any action taken by the Human Resources Director.



## **Article VIII – Eligibility Lists**

### **Section A. Establishment of Eligibility Lists**

The Human Resources Director shall establish and maintain employment lists of the various classes of positions in the City service as are necessary to meet the needs of the service.

### **Section B. Types of Eligibility Lists**

Eligibility lists, in order of their priority, shall be “reemployment lists,” “promotional eligibility lists,” and “original appointment eligibility lists.”

1) “Reemployment lists” shall be created following a lay-off or reduction in force as follows:

a) The names of probationary and regular employees laid off in good standing for lack of funds or work shall, at the request of the employee, be placed upon reemployment lists for classes which, in the opinion of the Human Resources Director, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.

b) Names of persons being placed upon reemployment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of one year unless a person no longer seeks employment with the City.

2) “Promotional eligibility lists” and “original appointment lists” shall be created when appropriate for the position being filled. Names of applicants shall be placed upon the appropriate eligibility lists in the relative order of their final examination results. Promotional eligibility lists shall remain valid for a period of one (1) year or until the list is exhausted, whichever is sooner. Original appointment lists, except for Police Officer and Firefighter, are valid for six (6) months. Police Officer and Firefighter appointment lists are valid for one (1) year. Promotional and original appointment eligibility list rankings may include but are not limited to experience, education, examination scores, veteran’s preference, points for residency, tenure with the City, and oral interviews.

### **Section C. Removal from Eligible Lists**

The Human Resources Director may, at any time, remove the name of an eligible applicant from a list for any one, or more, of the following causes:

1) At the request of the eligible

2) Failure to appear or decline an invitation for an interview or examination

- 3) Failure to notify Human Resources of a change of address, e-mail address, or telephone number and the applicant cannot be contacted
- 4) When an employee on the list is separated from City Service for reasons other than layoff
- 5) When the last performance evaluation of an employee falls below “meets expectations” if it is a promotional list
- 6) The eligible declines appointment or promotion when offered or the eligible fails to accept appointment within the time prescribed in the offer
- 7) The eligible is unable to perform the essential duties of the position with or without reasonable accommodations
- 8) The eligible ceases to possess the minimum qualifications for the position (e.g. loses a driver’s license when a license is required)
- 9) The eligible has been convicted in the last seven (7) years of a felony or misdemeanor involving moral turpitude or of a misdemeanor that would reflect upon ability to perform public service or for which a jail sentence is imposed
- 10) The outside applicant informs Human Resources that he/she has accepted other employment
- 11) The eligible has established an unsatisfactory background or Personnel Record (as evidenced by reference/record check) of such nature as to demonstrate unsuitability for employment or promotion
- 12) The applicant has directly or indirectly obtained information regarding examinations to which, as an applicant, he/she was not entitled
- 13) Any case where the Human Resources Director finds that an eligible is, or has, in any manner become disqualified for the position



## **Article IX – Appointments**

### **Section A. Procedure**

The Fair Labor Standards Act requires that employees of state and local government be at least 16 years of age for most non-farm jobs and 18 years of age to work in non-farm jobs declared hazardous by the Secretary of Labor. Minors 14 and 15 years of age may work outside school hours under certain conditions. Positions for Firefighter, Communications Officer, or in the Uniformed Police Service require that the candidate is 21 years of age by date of appointment.

When a vacant position is to be filled, the Human Resources Director will certify a list of the top three qualified candidates for that position. When more than one vacancy is to be filled, two names for each additional vacancy shall be added to the list. For example, five names will be certified if there are two vacancies for a position. The Department Director shall then fill the position(s) among those candidates available in this highest qualified rating. The Department Director is not obligated to select in rank order nor justify the reasons for the selection. Consideration shall be given first to current employees who are on the eligibility list for promotion, if applicable. All offers of employment, except promotions, transfers, and demotions made within the same department, shall be made by the Human Resources staff. In the event a vacancy is filled within the same department, the Department Director may make the offer documenting the action.

The City Administrator may authorize a temporary promotional appointment of an existing employee. No such employee shall remain in a temporary promotional appointment status for more than six months. Employees temporarily promoted will be compensated according to Article XI, Section B of this manual after assuming the full responsibilities and duties of the higher position for more than twenty (20) working days. By the conclusion of six months, the employee shall either be returned to their original position or an extension must be granted with the approval of the Board of Mayor and Aldermen.

### **Section B. Regular Full-time, Regular Part-time, and Temporary Employees**

Regular full-time employees shall be paid a bi-weekly or hourly rate for all hours worked. All regular full-time employees: (1) are eligible for group health insurance, group life insurance, and group accidental death and dismemberment coverage under the City's group policies; and (2) are eligible for pay adjustments as specified for all employees.

Regular part-time employees shall be paid an hourly rate for all hours worked up to forty (40) per week. All regular part-time employees: (1) are eligible for group health insurance, group life insurance, and group accidental death and dismemberment coverage under the City's group policies, if they are regularly scheduled to work thirty (30) hours or more per week; and (2) are eligible for pay adjustments as specified for all employees.

A temporary employee is any employee hired to work on a temporary basis (such as a seasonal employee or as a replacement for an employee on leave of absence), regardless of the



number of hours worked per week. Temporary employees do not receive benefits, but are eligible for market pay adjustments as specified for all employees. Temporary employees may be dismissed at any time without right of appeal as provided herein for regular employees.

### **Section C. Types of Appointments:**

Original Appointment – When a non-employee passes all the test of employability and is offered employment.

Re-employment – When a former employee who has been laid off due to shortage of work or funds is reinstated to the same or similar position.

Provisional or Emergency Appointment - The City Administrator may authorize the appointment of any qualified person to a position in the case of an emergency or when the City is unable to fill a vacancy because of an insufficient number of applicants. Provisional appointments require prior approval of the City Administrator and no payment shall be made for services rendered by the appointee prior to the appointment. Provisional appointments are limited to a period not to exceed ninety (90) days in any twelve month period.

Promotional Appointment – A promotion is an assignment of an employee from one position to another which has a higher pay grade, rank, and responsibility as described in Article XII.

Student / Intern Appointments - The purpose of an internship is to help students gain practical experience, become acquainted with professionals in their field of interest, and develop an understanding of professional responsibilities and effective working relationships. Interns may be assigned to one department or on a rotational assignment to several departments where they are provided with specific job assignments. Interns may be paid or unpaid. Hours for interns are flexible, depending on the intern's needs, but may not exceed 1,500 hours in any consecutive 12-month period. The internship will end at the earliest of the following: reaching 24 months from the first day in the intern program; graduation from the institution; or if the intern is no longer attending school on a full-time basis (12 credit hours) or participating in a full-time institution cooperative education/internship and receiving at least three credit hours per semester. At the end of each semester the intern will be provided with an evaluation of his/her performance and, in turn, will evaluate the value of the work experience. Only interns with a "meets expectations" rating will be retained. Pay for interns will be in accordance with Article XI, Section K.

School Patrol - School Patrol Officers are employed in the Police Department to provide traffic control for schools for a school academic year. Pay for School Patrol Officers will be in accordance with Article XI, Section L.

## **Article X – Probationary Period**

### **Section A. Policy**

It is the policy of the City that all new employees in regular full-time, regular part-time and temporary positions be simultaneously placed in a probationary status. The probationary period is an integral part of the City's evaluation process and shall be utilized by the Department Director and supervisor as an opportunity to observe the probationary employee's work, to train, to aid the probationary employee in adjusting to the position, and to dismiss any probationary employee whose performance or attendance fails to meet acceptable standards.

### **Section B. Duration**

All new employees in regular full-time and regular part-time positions shall be in a probationary status for twelve (12) months from the date of hire.

### **Section C. Evaluation and Completion of Probation**

The supervisor shall evaluate the performance of the probationary employee at six (6) and twelve (12) month intervals and annually thereafter. Additional evaluations may be completed prior to these intervals if necessary to address performance problems. The evaluations shall be documented on a designated form. Upon satisfactory completion of the probationary period, as indicated by a performance evaluation score of "meets expectations or above, the employee shall be classified as a regular full-time or part-time employee. If the performance evaluation does not "meet expectations", the probation may extended for up to six (6) additional months, or the employee may be dismissed.

### **Section D. Dismissal of Probationary Employee**

At any time during or upon the conclusion of the probationary period, an employee may be dismissed by the employee's respective Department Director with or without cause and with no right to appeal as provided for regular employees herein.

### **Section E. Transferred or Promoted Regular Employees**

A current regular employee of the City shall be placed in probationary status for up to six (6) months (up to twelve (12) months if to a sworn position in either the Police Department or the Fire Department) from the time of a transfer or promotion to determine if the employee is qualified for the new position. If performance is not satisfactory in the new position, then the employee may again be transferred if a position for which the employee is qualified is available. The City shall make every reasonable effort to provide continued employment for the employee. However, the City makes no guarantee that a position will be available for such employee. The probationary status shall not deprive the employee of any benefits that would have been received

had the employee not been placed on probation (provided the employee successfully completed the initial probationary period from the first date of hire.)

#### **Section F. Leave During Initial Probationary Period**

Absences during the initial probationary period must be approved by the City Administrator or designee. Sick leave requests during the probationary period require doctor's certifications (see Article XVIII, Section C).

#### **Section G. Pay for Performance**

An employee will not be eligible for pay for performance salary increases until the employee has satisfactorily completed the probationary period.

## **Article XI – Compensation Plan**

### **Section A. Policy**

The City shall provide, according to its financial ability, a fair and equitable compensation program for all employees which, at the same time, recognizes the need to be accountable for the use of public funds. The City's compensation plan is based upon prevailing wage rates, economic conditions, and labor market influences. The City administers a compensation program which is designed to attract and retain the best qualified talent possible, and to motivate and reward individual performance.

### **Section B. Administration of the Compensation Plan**

The Human Resources Director, under the direction of the City Administrator, shall administer the City's compensation plan.

Plan for salary and wage administration:

- 1) All starting salaries for new hires shall be a joint decision of the respective Department Director and the Human Resources Director, subject to the approval of the City Administrator.
- 2) The minimum of the salary range for the position classification is for beginners with little to no experience.
- 3) For positions that require special technical knowledge, expertise or certifications and/or for which there is a small pool of qualified applicants, new hires with proven related experience may be hired above the minimum but no more than the midpoint of their respective salary range and not at a salary higher than current employees with comparable experience who are performing satisfactorily in the same position. Any starting salary above the midpoint shall require approval from the City Administrator.
- 4) Starting salary shall be documented in a letter of confirmation and acceptance of a job offer to the future employee from the Human Resources Director or the City Administrator.
- 5) The Human Resources Director shall be responsible for conducting surveys and/or reviewing studies of salary ranges as recommended by the City Administrator and making recommendations for position range rates.
- 6) Depending upon annual salary budget guidelines, and other economic factors, regular employees shall be evaluated for merit-based salary adjustments annually. The individual employee's performance, attendance record, and efforts for self-

improvement shall be factors in determining the adjustment of salary within the salary scale.

- 7) Annual rate-of-pay adjustments, including both merit-based and market adjustment, if any, but not including end-of-probation-period and promotional rate-of-pay adjustments, shall be made effective with the first full pay period in July of each year.
- 8) When an employee in one classification is promoted to a position in another classification, then the rate of pay upon promotion shall be based upon the following:

Promotion of One Salary Grade – When an employee is promoted to a higher salary grade (one grade), the employee shall receive a pay increase of 7.5% or the minimum rate of pay for the higher position range, whichever is greater, or more at the discretion of the City Administrator, but not to exceed the maximum rate of pay for the higher classification.

Promotion of Two Salary Grades – Employees promoted higher than one salary grade shall receive 7.5% for the first higher grade plus 2.5% for each additional grade or the minimum rate of pay for the higher position range, whichever is greater, or more at the discretion of the City Administrator, but not to exceed the maximum rate of pay for the higher classification.

In determining the rate of pay, the City Administrator shall consider a comparable rate of pay if the position was filled by an external candidate with similar education, experience, and ability. Employees who are promoted shall be placed on probationary status in accordance with Article VIII of this Human Resources Manual.

- 9) Employees who are promoted to a higher position shall be eligible for regular merit adjustments to their rate of pay both during and following this promotion probationary period.
- 10) In the case of disciplinary demotion, voluntary demotion or demotion through no fault of the employee, the employee's rate of pay shall be reduced by 7.5% for the first lower grade plus 2.5% for each additional grade, but in no case shall the employee's salary be lower than the minimum nor greater than the maximum rate of the new salary range. Provided, however, that if an employee who is promoted to a new position is subsequently demoted voluntarily or for any other reason prior to successfully completing the probationary period for the new position that employee's salary will be set at the rate earned prior to the promotion.
- 11) Occasionally there may be compelling reasons to grant salary increases for reasons other than performance or promotion. Such reasons may be based on labor market conditions or to correct identified salary inequities. Any such salary adjustments

will be treated as an exception to policy and must be recommended by the City Administrator and approved by the Board of Mayor and Aldermen.

- 12) In no case shall an employee's base pay be less than the minimum or more than the maximum for their current pay grade.

### **Section C. Adoption or Rejection of the Compensation Plan**

The Human Resources Director, under the direction of the City Administrator, shall develop a uniform and equitable compensation plan consisting of a minimum, midpoint, and maximum range of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based upon the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in public and private employment in the area, cost of living data, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. The compensation plan shall then be submitted to the Board of Mayor and Aldermen for adoption.

The compensation plan may be amended from time to time, as circumstances require in accordance with the above provisions and approval of the Board of Mayor and Aldermen.

### **Section D. Payroll Processing**

The City processes payroll on a biweekly basis. Vouchers (pay stubs) will be available on the Friday following the end of each two-week pay period. Any required corrections identified after the payroll has been processed will be made on the next biweekly payroll.

### **Section E. Direct Deposit**

Direct Deposit is mandatory for employees hired after 1/1/2002.

### **Section F. Overtime and Compensatory Time**

Overtime is computed and paid according to current Federal Fair Labor Standards Act criteria and regulations. Overtime shall be authorized by prior approval of the Department Director, other authorized department designee, or the City Administrator, except in the case of an emergency.

Non-exempt employees required to work overtime may be compensated with time off (compensatory time) or paid for such overtime as determined by the Department Director. Except for shift personnel of the Fire Department, overtime, whether paid or exchanged for compensatory time, shall be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of forty (40) hours per week. For shift personnel of the Fire Department, overtime, whether paid or recognized with compensatory time, shall be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of 216/240 hours per twenty-eight (28) day period depending on which designated tour in the rotation they are working. The forty (40) or 216/240 hours, as the case may be, must be actual

hours worked and shall not include sick and vacation leave. Paid holidays shall be counted as actual hours worked. Non-exempt employees may accumulate up to a maximum of forty (40) hours of compensatory time. If an employee who has reached the maximum compensatory time accrual of forty (40) hours earns additional overtime before any of the accrued compensatory time can be used, said additional overtime shall be paid at the rate of time and one-half.

For Section 207(k) employees engaged in law enforcement with a work period of 14 days, overtime for the excess hours is based on all hours over 86 declared in the fourteen day work period as defined by the FLSA under TAB 611. A notation in the payroll records shall be made that shows the work period for each employee (29 C.F.R. – 553.50). The rule computing a Section 207(k) employee's regular rate are the same as those applied to all other nonexempt employees. When calculating overtime for sworn officers, the City shall not use the 40 hour workweek standard but rather the 14 day work period and overtime pay shall be calculated for hours worked in excess of 86 hours during the work period. When off-duty police are called back to work, they must be paid at least their regular hourly rate or at time and a half if they fall into an overtime situation. Unscheduled periods included in "tour of duty" include time spent in court by police officers even though the specific work performed may not have been assigned in advance, the time must be included in compensable tour of duty (29 C.F. F. -553.220(a)).

Regular full-time who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Therefore, the City is not legally required to compensate these employees, either through overtime pay or compensatory time, for extra hours worked.

All employees, whether exempt or non-exempt, are required to report hours worked on the appropriate forms and forward to the Department Director or designee for approval. The Finance Department shall maintain all payroll records.

## **Section G. On-Call; Emergency Call-Outs**

By the nature of work performed, certain departments may require employees to be on-call outside of normal work hours to respond to emergencies or other immediate service requests. Each department may design its own on-call system/schedule, which best fits, the needs of the department. In accordance with the Fair Labor Standards Act, employees are not compensated for being in an on-call status unless the requirements placed on an employee while on-call are so restrictive that the employee cannot reasonably use the time for personal benefit.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, then compensation for the extra hours worked shall be at a rate of one and one-half (1 ½) times the regular rate of pay. A call back is not an extension of regular duty hours or prearranged scheduled overtime by the employee's supervisor or scheduled training or meetings. No less than two (2) hours shall be granted for such time in a single day. In the event that employee is called back to work more than once in a day, there must be a break of two hours between the end of one call and the beginning of the next. If there is not a break of two hours, then the time will be counted from the first call.

## **Section H. Holiday Pay**

Employees working on rotating shifts, or in emergency response may be required to work holidays. These employees (including those that are FLSA exempt) required to work the holiday will be compensated for the holiday at time and a half rate. However, in no event will the employee be paid at one and a half times the straight time rate for more than the first eight (8) hours or twelve (12) hours for uniformed Fire employees. Time worked on the holiday after the first eight (8) hours or twelve (12) for uniformed Fire Personnel on shift will be paid at the regular straight time rate. Police Officers and others on an approved ten (10) hour shift will be paid ten (10) hours of holiday pay.

Holidays, which occur on a regular day off of a rotating shift employee, will be paid at the straight time rate of pay for eight (8) hours or twelve (12) hours for uniformed Fire employees. Regular part-time employees shall receive holiday pay at a proportionate rate based on amount of time worked, based upon the hours worked in the week preceding the holiday.

Holidays that fall in the middle of periods of paid sick or vacation leave will be charged as holidays. Employees are not paid for holidays while on terminal leave, leave without pay, suspension without pay or workers compensation.

To be eligible for holiday pay, a non-exempt employee must be in a paid status for the regularly scheduled working day immediately preceding and immediately following the holiday.

An exempt employee must be in a paid status on the days immediately preceding and immediately following the holiday to receive holiday pay.

See Article XVIII, Section A for the Holiday Schedule.

## **Section I. Service Recognition**

Each year employees who have completed five, ten, fifteen, twenty, or five-year additional incremental periods of service with the City shall receive, with a letter from the Mayor and City Administrator, a longevity service award bonus based on the years of continuous service (\$75.00 per year) to be paid on the pay period immediately after their anniversary date. In addition, a Service Award shall be presented to those employees who have completed twenty or more years in five-year increments, or who are retiring from the City with ten or more years of service for recognition of faithful service to the citizens of the City of Franklin. Employees eligible for such service awards will be notified of the time and place of the presentation.

## **Section J. Terminal Pay**

Employees who are eligible for retirement may be paid for accumulated, unused sick leave allowance as of the effective date of retirement (at the employee's regular straight time rate of pay in effect as of the date of retirement) up to a maximum of one hundred-twenty (120) sick days plus any accrued vacation leave, or they may be granted an equal amount of paid terminal



leave in pay-period increments immediately preceding retirement at the employee's choosing. Only retiring employees are entitled to compensation for accumulated, unused sick leave.

All terminal pay shall be paid at the employee's regular rate of pay at the time of termination from the City. Terminal pay shall be paid lump sum, on or by the regular payday for the pay period during which the employee separates from the City. Any request to pay terminal pay other than lump sum must be approved by the Human Resources Director and City Administrator.

## **Section K. Interns**

The following rates of pay are established for interns:

<u><b>Classification</b></u>	<u><b>Months 1-12</b></u>	<u><b>Months 13-24</b></u>
High School Students	\$10.00 per hour	\$10.50 per hour
College Students	\$15.00 per hour	\$16.00 per hour

## **Section L. School Patrol**

School Patrol officers are compensated in the following manner:

- 1) They are paid a bi-weekly wage from the beginning of the academic year, including in-service days as determined by the Police Chief, to the last day of the school year.
- 2) School Patrol are classified as part-time employees who work less than 30 (thirty) hours per week and, therefore, do not meet the minimum hours required to receive the benefits of a regular part-time employee.
- 3) The months at the beginning and ending of the academic year are pro-rated based on the number of actual days worked.
- 4) School Patrol officers are docked for days they miss due to personal reasons.
- 5) School Patrol officers are not docked for school holidays, snow days, teacher on-service days, or other days that schools are closed during the academic year.
- 6) School Patrol officers are paid on a pro-rated basis for pulling double duty at more than one school. The pro-rata basis is 1:20 of a month's salary for an entire day's absence or extra duty and 1:40 of a month's salary for a morning or afternoon shift's absence or extra duty.
- 7) Time sheets will be submitted by each School Patrol officer through the appointed Sergeant to the Police Chief on a bi-weekly basis.
- 8) School Patrol officers will be paid bi-weekly.

## **Article XII – Promotions**

### **Section A. Policy and Procedures**

It is the policy of the City of Franklin to hire employees for entry level positions, to provide training and development for employees, when necessary, and to offer employees promotions to higher level positions when deemed appropriate. Generally, the City of Franklin management prefers to promote from within to fill vacancies above the entry level, unless outside recruitment is found to be in the City's best interest. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, Department Director and/or Human Resources Department. An employee's eligibility for promotion will be determined by the requirements of the new job. The employee must have both a satisfactory performance record and no adverse disciplinary actions during the twelve (12) months immediately preceding the closing date for application submittal.

Promotions shall be based on merit, efficiency and fitness (determined by competitive evaluation, if practical). This evaluation shall give appropriate consideration to the qualifications of the candidates in relation to the position's qualifications and essential function; seniority and merit rating. It may also include an evaluation of the physical and/or mental condition of the applicant. In order to select the best available candidate for each position, recruitment may also be made from outside the Classified Service. However, in cases where the internal and external candidates rate equally qualified for positions presently vacant, the promotional candidate shall receive first consideration in filling such vacancies.

When a position above entry level becomes vacant, or is to be vacated, the Department Director will notify Human Resources immediately. The vacant position will be announced and any examinations will be conducted as soon as possible and the appropriate eligibility list prepared.

The Human Resources Director, after consultation with the Department Director and approval by the City Administrator, will determine whether an open (external) competitive examination or a promotional (internal) examination will best serve the interests of the City. The Human Resources Director shall determine if internal vacancies shall be posted to one department, selected departments or City-wide. All internal vacancies shall be posted for a period of no less than five (5) working days.

The Human Resources Director, subject to review by the City Administrator, shall determine the method of selection examinations and shall use the certification process, described in Article VIII Section B, when filling a vacancy by promotion.

If a position re-employment list does not exist, the Human Resources Director will certify the names of the top three (3) qualified candidates ranked highest on the appropriate promotion list. When more than one vacancy is to be filled, two names for each additional vacancy shall be added to the list. (Two (2) vacancies = five (5) names; three (3) vacancies = seven (7) names.) The Department Director shall then fill the position(s) from among those candidates available in

this highest qualified rating. The Department Director is not obligated to select in rank order nor to justify the reasons for the selection.

No regular promotional appointments shall be made before the promotional list has been submitted to the Department Director by the Human Resources Director, except in rare cases as set out in Section D of this Rule.

Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation. Promotions will be made to vacant, budgeted and/or authorized positions.

All promotional appointments shall be for a six (6) month probationary period. During the probationary period, the employee may be rejected at any time without charges, right of appeal and hearing when, in the judgment of the Department Director, the quality of the employee's work is not such as to merit continuation in the position.

An employee rejected during the probationary period from a position to which he has been promoted or who voluntarily requests to be reinstated to a position in the same class from which they were promoted may be reinstated to a position in the class from which he was promoted unless he is discharged as provided in these Rules and provided that such a position is available. The employee shall be reduced to the rate of pay in effect immediately prior to the promotion.

## **Section B. Promotional Eligibility**

Regular employees who have passed the appropriate examination and attained a place on the appropriate eligibility list, as set out in Article VIII of these Rules, will be considered eligible for promotion, provided that he or she has:

- 1) Served in a specified position for a period of no less than six (6) months; however, employees who have served these periods in a specified position may be deemed eligible for promotion in more than one career track. For example, a Police Officer who has completed the specified time requirements in that position may be eligible for promotion and selection as a Detective and as a Sergeant since both positions specify years as a Police Officer;
- 2) Satisfactorily completed the probationary period required for the department and performed at the "meets expectations" level or higher in that position; and
- 3) Met the minimum qualifications for the position to which promotion is being considered.

Notwithstanding the foregoing, employees who have not completed an initial probationary period may be considered with outside applicants or when there are two or fewer internal applicants on an internal vacancy.

## **Section C. Application**

The Human Resources Director may require that each employee who wants consideration for the promotional opportunity to submit an application or a resume on or before a specified closing date.

## **Section D. Promotion Without Examination**

In exceptional cases, the City Administrator may authorize the promotion without competition of an eligible employee upon receipt of a written statement from the Department Director showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee is entitled to promotion by reason of service and effective performance and that no other employee of the department meets the foregoing conditions.

In the event that the Human Resources Director determines that the number of employees qualified and/or interested to compete in a promotional examination is no more than two (2), he/she, without further examination, may certify as eligible for promotion the names of these persons qualified to the Department Director. The Department Director may then select any eligible employee who has been certified in this way.



## **Article XIII – Performance Evaluation Program**

### **Section A. Policy**

The Human Resources Director shall administer a program to evaluate the work performance of each City employee. The individual employee's performance evaluation shall be completed by the supervisor, subject to review and signature of the Department Director, and shall be relevant to actual job duties and responsibilities. Departments are required to use evaluation forms approved by the Human Resources Director. Each Department Director is responsible for ensuring that employee evaluations are conducted in a timely manner prescribed by the Human Resources Director. The City Administrator, Assistant City Administrators and the Human Resources Director, in consultation with the Department Directors, shall monitor and approve employee evaluations with regard to clarity of job expectations and documentation of job performance. Performance evaluations of Department Directors and other administrative employees reporting directly to the City Administrator or Assistant City Administrators shall be conducted by the City Administrator or the appropriate Assistant City Administrator in a manner substantively similar to other City employees.

### **Section B. Frequency of Assessments**

A performance evaluation shall be conducted for each regular full-time and regular part-time employee at least once each fiscal year. Furthermore, a performance evaluation shall be conducted any employee in a probationary status after five (5) months and eleven (11) months of the probationary period. The Department Director has discretionary authority to conduct other evaluations during the year, as may be necessary, due to repeated problems in an employee's job performance, promotional considerations, lay-offs, or other circumstances that may warrant a special evaluation.

### **Section C. Processing of Employee Evaluations**

The processing of employee performance evaluations will be used in conjunction with merit-based pay increases. Employees are required to sign their evaluation forms indicating that the employee has had an opportunity to discuss the evaluation with the employee's supervisor. All evaluations become part of the City's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law.

Performance evaluations may be used in conjunction with a merit-based rate-of-pay adjustment to be implemented in July of each year, if approved by the City Board of Mayor and Aldermen. If an employee achieves an overall "meets expectations" rating or higher, an increase based on the salary is recommended. If an employee does not achieve a "meets expectations" rating, no increase is recommended. All merit-based pay raises shall be preceded by and be based upon a completed performance evaluation.

If an employee scores "below expectations" or lower rating, they are placed on a three (3) month probationary period and are re-evaluated at the end of that time period. The employee will

not be eligible to apply for any openings or promotions during this probationary period. Specific written expectations must be given to the employee as to how the performance must improve. If performance does not improve, termination may result.

An employee who feels that his/her performance appraisal is not correct shall have the right to appeal the appraisal to the City Administrator through the Human Resources Director. The appeal shall be submitted to the Human Resources Director by ten (10) City business days from the date the employee receives the evaluation. The City Administrator will make the final decision regarding the performance appraisal rating. Ratings are not grievable under the grievance procedure.

## **Article XIV – Employee Development and Training**

### **Section A. Employee Development and Training**

Both the City of Franklin and the employees benefit when the employees are well trained. The importance of training employees within each department unit leads to improved organizational development, increased productivity, and enhanced service. This is generally accomplished best through on-the-job or in-service training with occasional or mandated specialized off-site training. Except in those departments which are mandated by law to have a departmental training officer, the Department Director will work through Human Resources to provide realistic and effective job-related training to employees. Each department will organize for employee training in such a way so as to assure that adequate and necessary training is provided and that unjustified training activities are not engaged in. Training opportunities will be provided uniformly, equally, and fairly. To accomplish this objective, each Department Director, as appropriate, utilizing the assistance of Human Resources, shall develop, maintain and coordinate the following:

- 1) A written Departmental Training Policy.
- 2) Comprehensive organizational training plans.
- 3) Budget for and provide time for training activities.
- 4) A system of reporting and review; and
- 5) A system of evaluating all training activities undertaken.

Training certifications will be forwarded to Human Resources.

### **Section B. Administration of Employee Development Program**

Working in conjunction with Department Directors, the Human Resources Director shall:

- 1) Assure that policies and procedures are implemented for developing ethical behavior, technical and managerial skills, and skills and behaviors essential to effective work performance and a conducive work environment.
- 2) Assure that training, as approved, is carried out and that certificates or other forms of recognition, if appropriate, are prepared for persons who satisfactorily complete training courses and programs.
- 3) Keep a record of all training courses and programs, requirements for such courses and an attendance record, and documentation of employees who successfully complete or fail such courses and programs for permanent file.



- 4) Assist Department Directors in developing and conducting developmental training to meet the specific needs of their departments or common to all departments.
- 5) Assist employees with issues related to wellness and personal growth insofar as these affect the employee's ability to perform his/her duties. Development activities, programs or opportunities are those which:
  - Inform employees about the City of Franklin's objectives, programs, organization, policies, procedures and work methods;
  - Help employees obtain or improve job-related knowledge, skills or competence to improve performance efficiency and effectiveness, preclude obsolescence and cope with changing environments, technology and equipment;
  - Help employees become qualified for more responsible work within the City or for work in different fields for which they may be needed by the City; and
  - Contribute as appropriate to fulfilling the City of Franklin responsibilities under its equal employment opportunity policy.

The municipality's in-house employee development activities include training programs which, as appropriate, may be planned and administered jointly with other agencies and organizations. The three types of in-house training activities are:

- Occupational qualifying training for preparing employees to perform all the duties of a specific job, usually at the entry level.
  - Technical training for enhancing and upgrading employees' knowledge, skills and abilities related to specific aspects of their current jobs and/or current areas of work.
  - Developmental training for improving employees' personal, administrative, supervisory, managerial and other related, but generally non-technical, skills to improve performance in their current jobs and to assume broader and/or higher level responsibilities.
- 6) Assure an adequate supply of trained employees is available to fill job openings created by promotions, expansions or losses.
  - 7) Encourage and assist employees in the acquisition of additional knowledge and skills which are useful in assuming greater responsibilities.
  - 8) Ensure that essential employee knowledge and skills are identified, maintained and improved upon in order to accomplish the best performance on every job through the

performance evaluation system. Specific goals for improvement and training needed to accomplish goals will be established on employee performance appraisal forms.

- 9) Functionally supervise employee development programs and activities, where necessary, throughout the Municipal Government; and
- 10) Ensure all job descriptions adequately address knowledge, skills and abilities required in each position and that minimum education, training and certification levels are clearly identified.
- 11) Maintain copies of employee training records in employees' Human Resources files.

### **Section C. Safety Education and Training**

The Human Resources Director shall have the basic responsibility for coordinating and cooperating with the Risk Manager a program of safety education and training. The Risk Manager shall have enforcement powers at the discretion of the City Administrator. All employees are required to take every precaution in the prevention of accidents to themselves, other employees and the public. Department Directors shall actively implement safety programs and practices in cooperation with the Risk Manager.

All employees whose duties require the operation of office equipment, motorized vehicles, machinery or tools of any kind or nature shall follow safety procedures and instructions and use every precaution in the prevention of accidents to themselves and/or other employees. Such employees are charged with the responsibility of proper operation of all equipment that is used in the normal function of their duties. Employees who knowingly and willfully violate proper safety precautions may be subject to appropriate disciplinary action. The City of Franklin Safety Manual governs safety procedures and policies.

### **Section D. Specialized Training**

Specialized training will provide for the assignment of regular employees to recognized educational and professional institutions, facilities, and workshops to receive training which meets specific departmental needs for scientific, technical, professional and administrative skills. Thus, City management is provided with an additional and valuable means of ensuring that federal, state and local laws are complied with and that the methods and knowledge of the work force do not become obsolete.

All regular and full-time employees of the City of Franklin and certain probationary employees (for example, critical response positions), are eligible for job-related, specialized training assignments upon approval of the Department Director within departmental budget constraints. All out-of-state travel and training requires City Administrator approval before attendance.

Attendance at required training shall be considered working hours for non-exempt employees. If training ends before the normal work shift, the employee must return to the work

site. If the training is not required, leave with pay may be authorized by the Department Director.

Each employee on assignment to specialized training shall maintain satisfactory performance in the prescribed course of study.

The department will pay all training costs, including necessary and required tuition, books and expenses. However, such expenses will be paid no more than twice for any required course. Should the employee fail a mandatory examination twice, the employee desiring to take the course and/or examination again will bear the cost of the training and will attend on his/her time, utilizing vacation leave, compensatory time or leave without pay. Employees must successfully complete the Police Academy or Basic Firemanship on the initial attempt. Failure in these programs will result in immediate termination of the probationary employee.

## **Article XV – Disciplinary Actions**

### **Section A. Application**

This Article applies to all regular City employees who have completed their respective probationary periods with the exception of the City Administrator who serves at the will and pleasure of the Board as described in Article XVI of the City Charter.

Employees included in the Executive Leadership Team, as defined in Article II of this Manual, are held to a higher standard than other employees for conduct and performance. Because of this, progressive discipline may not be applicable. The Executive Leadership Team consists of employees in positions of high responsibility who understand that inappropriate conduct and/or unsatisfactory performance may result in more severe discipline (up to and including termination on a first offense) than would be imposed on employees not a part of the Executive Leadership Team.

### **Section B. Policy**

Department Director, with the review of the Human Resources Director and approval of the Assistant City Administrator (if applicable) and of the City Administrator, and in accordance with the provisions of this Article, may demote, dismiss, or suspend without pay for not more than ten (10) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing), any employee for any one or more of, but not limited to, the following reasons.

- 1) Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to these Rules and Regulations or other written instructions, any other act of omission or commission, whether on-duty or off-duty, tending to injure the public service, any other willful failure on the part of the employee to conduct himself/herself properly, or any willful violation of the provisions of the Municipal Code, Human Resources Manual or approved departmental guidelines.
- 2) Failure to adhere to the City's policy on discrimination (as stated in Article I, Section B), which shall include any act of harassment.
- 3) Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon the employee's ability to perform public service or for which a jail sentence is imposed.
- 4) Drug abuse, refusal to participate in a City-approved rehabilitation program deemed needed by the City Administrator from substantiating evidence, or refusal to submit to pertinent testing in accordance with a city approved drug and alcohol testing program.

- 5) An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, in spite of documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interest of the individual and/or the City.
- 6) Any other act or failure to act as set out in these Rules and Regulations and the Personnel Ordinance, which, in the judgment of the City Administrator, is sufficient to show that the person is an unsuitable and unfit employee.

## **Section C. Disciplinary Guidelines**

It is the policy of the City to utilize disciplinary action to correct job behavior and/or performance problems when justified for cause. Disciplinary action shall be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. Employees shall be informed of standards of conduct and performance. These Rules and Regulations shall be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

In order for disciplinary action to be documented, it must be filed in the Human Resources Department.

Any supervisor may take corrective action by orally counseling employees as necessary. This action may be taken in an effort to correct a situation that, if uncorrected, may require more serious disciplinary action. In most instances, counseling notices should be written by the employee's immediate supervisor and must be concurred by the Department Director. Disciplinary action is the basic responsibility of the Department Director, and all supervisors are expected to follow the chain of command in providing notification of possible violation of these rules to the Department Director, Assistant City Administrator, and/or City Administrator. Furthermore, supervisors are expected to participate in the disciplinary process which may include recommending a departmental hearing, attending such hearing and providing input into the final outcome. The primary purpose of discipline is remedial in nature and intended to improve performance and/or correct behavior. It is a dimension of performance evaluation and employee development extended to help the employee develop knowledge, skills and abilities.

An employee may not be disciplined for any of the following reasons:

- Conditions controlled by equal opportunity laws, such as race, religion, national origin, sex, disability, veteran's status, age or any other legally protected status, including filing a complaint with the Equal Employment Opportunity Commission or Tennessee Human Rights Commission,
- Reporting occupational health or safety violations,
- Refusing to perform an unusual work assignment that the employee believes is hazardous or even life-threatening,
- Refusing to perform an act that is in clear violation of the law.

The normal progression of discipline, excluding the Executive Leadership Team, shall be as follows:

- 1) Oral Reprimand - Oral notification to an employee by the employee's supervisor of performance or conduct that does not meet job expectations. This notification shall include an explanation of the proper performance or conduct expected and a warning that continued activity shall result in additional disciplinary action. An oral reprimand shall be documented in the employee's personnel file in the Human Resources department. An Oral Reprimand may be issued without a departmental hearing.
- 2) Counseling Letter - A formal notification to an employee by the employee's supervisor detailing performance or conduct which does not meet job expectations, including an explanation of the proper performance or conduct expected, and a warning that continued activity shall result in additional disciplinary action. A counseling letter may include reinstatement of probationary status for a period of time of up to six (6) months, which may be extended as necessary. A copy of this notification shall be forwarded to the Human Resources Department for inclusion in the City's official personnel file for that employee. A Counseling Letter may be issued without a departmental hearing.
- 3) Disciplinary Probation - In addition to, or in lieu of, a warning letter, suspension, or demotion, or other disciplinary sanctions, as found in Section 8 of this Rule, Department Directors may determine that an employee should be placed into a disciplinary probationary period. Disciplinary probation is for a maximum period of twelve (12) months. During a disciplinary probation period, an employee is placed on notice that his/her conduct and work performance will be more carefully scrutinized by Supervisory Personnel in the chain of command, and that further disciplinary action for the same or similar infractions will be more severe. While an employee is in a disciplinary probationary period, he/she will not be considered for promotional opportunities. Disciplinary Probation may be issued without a departmental hearing or may be issued in conjunction with other discipline after a departmental hearing.
- 4) Written Reprimand - In situations where an oral warning and/or counseling letter has not resulted in the expected improvement, or when more severe initial action is warranted, the Department Director may issue an official written reprimand. The reprimand should be initiated as soon after the incident as is responsibly possible, but only after the departmental hearing. This letter will contain a specific statement of the charges. A copy of the reprimand shall be forwarded to the Human Resources Department for inclusion in the City's official personnel file for that employee.
- 5) Suspension Pending Investigation and/or Hearing - Suspension pending investigation and/or hearing is an action taken by the Department Director or their designee when it is determined that removal of the employee from work is in the

best interest of the public and/or the City because the employee is deemed to pose a danger to the supervisor, the employer, or others or is causing significant disruption in the workplace. In such cases the Department Director shall be notified as soon as possible and no later than 24 hours of such suspension. Such suspension shall be made with pay unless otherwise authorized by the City Administrator and shall not exceed 30 calendar days. However, extensions to this 30-day period may be made by the City Administrator on the basis of extenuating circumstances, for example, pending adjudication in the Court system for a crime. Whenever there is a suspension without pay, the Human Resources Department shall immediately notify Payroll in writing to stop the pay. During suspension pending investigation, no retirement benefits shall accrue. If the suspension leads to disciplinary action that results in termination, then the days during which the employee was suspended shall not be counted towards retirement benefits. If no disciplinary action is taken, or disciplinary action is taken short of termination, then the time for which the employee was suspended shall be restored and shall be counted towards retirement benefits. The investigation may be conducted in-house or by an agency outside the City, at the joint decision by the Human Resources Director and the City Administrator. At the conclusion of thirty (30) calendar days, if adjudication is pending or the internal investigation remains active, the City Administrator may extend the administrative leave period. Such request for extension must be set forth in writing by the Department Director with a statement for the valid basis for the extension. The extension shall not exceed ninety (90) days. The City Administrator must concur with both the basis and the length of the extension. Upon completion of the investigation, a departmental hearing shall be held. At the conclusion of the investigation and subsequent departmental hearing, an employee suspended without pay may be reimbursed for lost wages only at the discretion of the City Administrator.

- 6) Suspension – A Department Director may suspend an employee in the Classified Service without pay for any length of time considered appropriate, up to, but not to exceed, five working days (three working days for Uniformed Fire Personnel) for any specific offense after a departmental hearing is conducted. No more than one suspension for any similar offense shall be allowed in a one-year time period. Total suspension time for disciplinary measures shall not exceed an accumulation of ten working days (six working days for Uniformed Fire Personnel) during the year for violations of any rules. The suspension should be initiated as soon after the incident as is reasonably possible, but only after a departmental hearing. The employee will receive written notification of the suspension, at least 24 hours before the suspension becomes effective. A copy of the suspension will be placed in the City's official personnel file for that employee.
- 7) Demotion - Demotion is an appropriate disciplinary action when the employee has committed a serious offense and management has lost confidence in the employee's ability to function effectively in the current position, but he believes the employee can contribute positively in a less responsible position. A demotion will always result in a reduction of pay in accordance with Article XI, Section B. The demotion

will be initiated only after a departmental hearing and a copy of the notice of demotion will remain permanently in the personnel file.

- 8) Other Disciplinary Sanctions - The primary focus of discipline is to correct behavior. There may be occasions when disciplinary actions, other than, or in addition to, a written reprimand, suspension, demotion, and/or disciplinary probation, may be appropriate to bring about the necessary changes in behavior. Examples of these actions include, but are not limited to: referral to the Employee Assistance Program (See Article XXII, Section W); mandatory, remedial training, such as driver's education, safety or supervisory training, suspending driving privileges. Sanctions may only be initiated after a departmental hearing or investigation for cause and reviewed by the Human Resources Director and approved by the City Administrator.
- 9) Dismissal - A Department Director may dismiss an employee for just cause. The dismissal should be initiated as soon after the incident as it is reasonably possible, but only after a departmental hearing. The Department Director's decision to dismiss will be in writing and specify the penalty and reasons for the decision and must be reviewed by the Human Resources Director and approved by the City Administrator. The letter will contain a statement that the Human Resources Department is responsible for contacting the employee regarding the status of fringe retirement benefits. A copy will be placed permanently in the employee's Personnel file.

However, there are offenses that are of such a severe or a serious nature that the normal progression of discipline will not be followed. Based on the severity of the first offense, disciplinary action can be started at steps other than the Oral Reprimand step.

The guidelines listed below are provided for use by Department Directors in determining the appropriate level of discipline for various types of misconduct. The examples given are not intended to be all-inclusive nor are they intended to be mandatory or limiting the Department Director's discretion or authority to discipline employees. The Department Director shall consider the employee's previous work record and any mitigating circumstances that may be ascertained during the disciplinary investigation. This list may not apply to the Executive Leadership Team.

- 1) First Group Offenses - include those types of behavior which are the least severe in nature, but which require corrective action in the interest of maintaining a productive and well-managed work force. Initial corrective action for these infractions would normally be an Oral Reprimand or Counseling Letter. If the condition is not corrected, the employee shall be subject to increasing levels of progressive discipline. First Group Offenses include, but are not limited to, the following:
  - Unsatisfactory attendance or excessive tardiness
  - Abuse of City time



- Obscene or abusive language
  - Inadequate or unsatisfactory performance
  - Failure to process Approval of Outside Employment Form (see Article XXII, Section D)
  - Failure to comply with these Rules and Regulations, except as otherwise specified herein.
- 2) Second Group Offenses - include acts and behavior that are more severe in nature than First Group Offenses. Initial corrective action for these offenses would normally consist of a Written Reprimand, Suspension or Demotion. Subsequent infractions of this type should result in more severe disciplinary action, depending upon the circumstances surrounding the infraction. Second Group Offenses include, but are not limited to the following:
- Insubordination, which is defined as failure by an employee to follow a supervisor's directive, perform assigned work, or otherwise comply with applicable written policies or procedures.
  - Harassment of any type, including sexual harassment or any other inappropriate behavior.
  - Neglect of duty, carelessness or negligence in the use of City property.
  - Disgraceful personal conduct or profane, abusive or threatening language toward the public, supervisors, or fellow employees while on duty.
  - Use of City equipment for personal advantage.
  - Violation of safety rules or Tennessee traffic laws while driving a city vehicle.
  - Failure to report an accident involving City Property (including a City vehicle) regardless of the amount of damage.
  - Failure to personally notify the supervisor within one (1) working day of notification by the courts or Department of Motor Vehicles when the employee's drivers license and driving privileges have been suspended, revoked, or restricted for any reason, or having been cited by a law enforcement agency for DUI or a vehicle accident involving loss of life or serious bodily injury whether such occurred on or off duty; loss of an employee's drivers license and driving privileges by due process of law when the operation of a motor vehicle is required by the employee's job description.
  - Failure to personally notify the supervisor within one (1) working day of any arrest.
  - Unauthorized absences or use of leave privileges.
  - Violation of any lawful or reasonable regulation, order, or directive made or given by a supervisor, Department Director, Assistant City Administrator, or City Administrator.
  - Gambling on City property or during work hours.
  - Failure to report to work without proper notice to the appropriate supervisor.
  - Unauthorized use or misuse of City property, equipment, technology, or records.
  - Knowingly making false or malicious statements that harm or destroy the reputation, authority, or official standing of a City employee or official.

- Employee misconduct such as any act of omission or commission, whether on-duty or off-duty, tending to injure the public service.
- 3) Third Group Offenses - includes acts and behavior of such a serious nature that a first occurrence normally warrants dismissal. Third Group Offenses include, but are not limited to, the following:
- Possession or use of alcohol or the illegal possession or use of controlled substances while on duty, unless in the performance of duties.
  - Reporting to work when physical or mental ability is impaired by alcohol or the unlawful use of a controlled substance.
  - The theft or deliberate destruction of City owned or controlled property, including supplies, inventory (including criminal evidence and lost & found items), materials, fuel or fuel products, tools, machinery or equipment.
  - Willfully falsifying, damaging, or the theft of City or employee records including vouchers, reports, insurance claims, leave and time reports, and employment applications.
  - Failure to report within two (2) business days to the employee's Department Director, Assistant City Administrator (if applicable) and to the City Administrator the employee's receipt from any local, state or federal regulatory agency of an administrative complaint, warning, or other written notice of violation or non-compliance with applicable law or regulations concerning employee's work for the City.
  - Unsatisfactory employment or Personnel record, as evidenced by reference/record check, of such nature as to demonstrate unsuitability for employment.
  - Political pressure or bribery to receive an advantage or appointment, or to influence a city employee in his/her duties.
  - Directly or indirectly obtaining or supplying information regarding examinations to which, as an applicant, he/she is not entitled.
  - Threatening other employees or acts of physical violence or fighting while on duty, while representing the City or on City property.
  - Unauthorized sleeping during work hours.
  - Unauthorized possession or use of firearms, dangerous weapons, or explosives.
  - Participation in any kind of work slow-down, sit-down, or similar concerted interference with City operations.
  - Disorderly or immoral conduct, a misdemeanor involving moral turpitude, or the conviction of a felony while in the employment of the City, or other acts, occurring either on or off-duty, that are of such a nature that to continue the employee in the current capacity could constitute negligence in regard to the City's duties to the public or other employees or negatively impact the City's ability to meet its obligations.
  - Accepting gifts, favors, or services that might reasonably tend to improperly influence an employee in the discharge of official duties or give the appearance of such undue influence.

- Use of official position or authority for personal profit or political advantage such as participating in political activities while on duty and/or using City resources on or off duty while participating in political activities.
  - Insubordination that constitutes a serious breach of discipline or shows a disregard for safety.
- 4) Multiple offenses may result in the following disciplinary action:
- Exceeding three (3) written reprimands within a twelve (12) month time period may result in a three (3) day suspension without pay.
  - More than one suspension for any similar offense within a twelve (12) month time period may result in termination.
  - Being suspended without pay for more than ten working days within a twelve (12) month time period may result in termination.

All disciplinary action shall be supported by evidence strong enough to bear the burden of proof of just cause for such disciplinary action upon review by the Human Resources Director and Assistant City Administrator (if applicable) and approval of the City Administrator.

Unless the work infractions are of a similar recurring nature or are of such a serious nature as to warrant consideration regardless of when they occurred, infractions should not be counted against an employee for progressive discipline purposes that extend beyond a two-year period.

In addition to the loss of pay resulting from disciplinary suspensions, other forms of discipline that may be invoked include denial of annual merit increases and demotion in pay grade, rank, and salary.

These procedures are designed to be utilized strictly as guidelines, and it is expected that Department Directors shall use their individual discretion when applying and/or recommending discipline. These guidelines are not in any way designed to restrict the Department Director from using judgment based on factual findings and consistent in handling previous disciplinary matters.

## **Section D. Garnishments**

Financial Responsibility is a requirement for continued service with the City. Further, it is the policy of the City to discipline employees who demonstrate irresponsibility in meeting their legitimate financial obligations. Notice of all garnishments shall be handled in accordance with applicable state and federal regulations. The following procedures shall be followed:

First Garnishment – The Human Resources Director shall send a letter advising the employee of the City's policy on garnishments and the different methods available to prevent further garnishments. A copy of the letter shall be forwarded to the Department Director and a copy placed in the employee's personnel file. Upon receipt of the above letter, the Department Director shall counsel the employee stressing the importance of paying debts and advise them of the City's policy on garnishments. The Department Director shall send the Human Resources

Director a memorandum stating the date and time when the counseling took place and any comments regarding the employee's situation.

Second, Third, and Fourth Garnishment within a Two-Year Period – Upon receipt of the second, third and/or fourth garnishment, the Human Resources Director shall give written notification to the employee's Department Director advising that the employee has received the second or more notice of garnishment within a two-year period. The Department Director shall take disciplinary action in the following order of progression:

Second Garnishment – Written Reprimand

Third Garnishment – Reprimand with notice that a fourth garnishment may result in discharge

Fourth Garnishment – May warrant dismissal from City service

Child support or spousal support orders, federal or state tax levies, and Chapter 13 bankruptcies are not garnishments.

## **Section E. Departmental Hearing**

Except in the case of suspension pending investigation and/or hearing, all disciplinary actions that are noted above as requiring a departmental hearing shall be taken only after the employee (excluding the City Administrator who works at the pleasure of the Board) has had a hearing conducted by the Department Director or City Administrator if the employee is a Department Director or Assistant City Administrator. The written notice of such hearing must be personally delivered to the employee at least two (2) City business days before the hearing date. In those instances where the employee cannot be personally contacted, a registered letter will be mailed to the employee's last known address. The same time limitations shall suffice. This notice shall contain a statement of the charges and the time, date and location of the hearing and the employee's hearing rights. At the hearing, the employee may present testimony, personally, and of others, present/give evidence and cross-examine witnesses. Attorneys are not permitted to participate on behalf of either party. However, attorneys may be available for consultation by either party outside the room where the hearing is being conducted. The Department Director or City Administrator will render a written decision no later than five (5) working days after the conclusion of the hearing with copies to the Human Resources Director, Assistant City Administrator (if applicable), and City Administrator. The Department Director or designee shall personally deliver a copy of the decision to the employee. If the employee is unavailable or in unusual circumstances, the disciplinary action letter may be sent to the employee by certified, registered mail. All disciplinary action is subject to the review of the Human Resources Director and approval of the Assistant City Administrator (if applicable) and of the City Administrator.

An employee may choose to waive their right to a disciplinary hearing. A written waiver must be submitted to the Human Resources Director no later than one hour prior to the hearing. The Human Resources Director will notify the appropriate Department Director or City Administrator of the waiver. If the Departmental Hearing is waived, then the Department Director (or City Administrator if the employee is a Department Director or Assistant City Administrator) will make their decision based on the information gathered and/or received prior

to the hearing. In waiving their right to a disciplinary hearing, the employee also waives their right to appeal any disciplinary action issued by the Department Director or City Administrator for the infraction. Should an employee not submit a written waiver for the hearing and not attend the hearing, then the lack of attendance will be considered as a waiver.

## **Section F. Appeals**

The purpose of an appeal is to provide the basis for making a determination of whether the discipline issued to the employee was reasonable under the circumstances. Any regular employee who has received disciplinary action following a Departmental Hearing shall have the right to appeal the decision (except in those instances where the right of appeal is specifically denied by the Municipal Code) by making a written request, to be submitted to the Human Resources Director within five (5) City business days after receiving official notification of disciplinary action.

- 1) Upon receiving the request for an appeal, the Human Resources Director shall set the date, time and location for an appeal, and shall notify the employee, the Supervisor, the Department Director, the Assistant City Administrator (if applicable) and the City Administrator of this information. The hearing shall be set for a date that is not less than five (5) City business days from the date of notification.
- 2) The Human Resources Director has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the City Administrator when it is determined that a neutral third party decision-maker is in the best interest of the City. Appeals made by direct reports to the City Administrator (such as but not limited to Department Directors and Assistant City Administrators) shall be heard by a neutral third party.
- 3) Upon receipt of the appeal, the Human Resources Director shall immediately forward in its entirety: (1) a copy of the alleged action; (2) all previous dispositions; and (3) all prior paperwork in connection with the disciplinary action, including statements and previously related disciplinary actions to the City Administrator or arbitrator for their consideration.
- 4) The employee's personal attorney may be present at the hearing. The City Administrator may request the City Attorney to attend the hearing in order to serve on behalf of the City. The hearing shall be audiotape recorded and/or a court reporter shall transcribe the hearing. The appealing employee shall be responsible for his/her own expenses for attorney fees.
- 5) During review of the disciplinary action, the City Administrator, City Attorney, and Arbitrator shall have the right of subpoena, to examine witnesses under oath, to compel the attendance of City employees/witnesses and to require the production of evidence by subpoena, in accordance with the Municipal Code.

- 6) Within ten (10) City business days of the conclusion of the hearing, the City Administrator or arbitrator shall render a written decision to the employee, the employee's Department Director, Assistant City Administrator, and the Human Resources Director.
- 7) The City Administrator's or arbitrator's decision shall be final and binding, subject only to such judicial relief as may be provided under state or federal law.
- 8) The City Administrator or arbitrator may revoke, modify, or sustain the disciplinary action being appealed.
- 9) The action being appealed may be resolved at any step by mutual concurrence of both parties. Copies of all settlement agreements shall be in writing and provided by the Department Director or City Administrator to the Human Resources Director and all parties involved for permanent file.

### **Section G. Reinstatement; Reimbursement of Lost Wages**

If at the conclusion of the appeal process an employee is found to have received discipline without sufficient or adequate cause or merit, then that employee shall be reinstated effective immediately to the same position held prior to the discipline. In such a case, if the employee was suspended without pay pending the results of the appeals hearing then that employee shall be reimbursed on the next regular pay date following final resolution of the matter for all lost wages for the hours of work for which the employee would have been otherwise normally scheduled, and all benefits, leave time, etc. shall be reinstated/reimbursed.



## **Article XVI – Non-Disciplinary Transfers, Demotions, Separations and Reinstatements**

### **Section A. Transfers**

A transfer is a lateral movement of an employee from one position to another at relatively the same pay range between positions of the same class or a different class. Transfers may be made within a department or between departments. A transfer is not the assignment of an employee from one shift to another without a change in duties or job title. Transfers may be made as a result of:

- 1) Layoff
- 2) Abolishment of a position
- 3) Further training and development of an employee in another position that would be beneficial to the future staffing needs of the City
- 4) Personal request of the regular employee when it is consistent with other requirements of this Rule
- 5) To provide accommodation for a disability
- 6) Other reasons determined to be justifiable by the Department Director, Human Resources Director and City Administrator

To be transferred, an employee must meet the minimum qualifications for the position and the move must be in the best interest of the City. Regular employees who are transferred at their own request shall serve a probationary period of six (6) months. Regular employees who are transferred at management's discretion shall not be subject to an additional probationary period.

### **Section B. Demotions (Non-disciplinary)**

In accordance with the Municipal Code and these Rules, a Department Director may demote an employee in the Classified Service to a position of lower grade in which the employee meets the minimum qualifications for any of the following reasons:

- 1) Because the position is being abolished and the employee would otherwise be laid off.
- 2) Because another employee returning from authorized leave will occupy the position to which the employee is temporarily assigned.
- 3) The employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
- 4) The employee voluntarily requests such demotion.



- 5) When a regular employee is demoted, the compensation shall be in accordance with Article XI, Section B. All notices of demotions will be in writing, specifying the reasons for the demotions and placed in the employee's personnel file.

## **Section C. Types of Separation**

Types of separation may include, but are not limited to the following:

**Resignation** - Any employee may resign from City service by presenting a letter of resignation to the Department Director. A minimum two-week written notice for non-supervisory employees is considered appropriate notice to the City. A minimum four-week notice employees is expected for supervisory employees. Any unauthorized absence from work by an employee for a period of three (3) consecutive working days (two (2) consecutive work shifts for shift personnel of the Fire Department) will be considered job abandonment and a voluntary and immediate resignation by that employee.

**Disability** – An employee may be separated from the City Service or demoted when it has been determined that the employee cannot continue to satisfactorily perform the essential duties of the position due to a physical or mental disability and no reasonable accommodation can be made. All determinations of physical or mental disability will be by a licensed, practicing medical doctor or medical doctors.

**Retirement** – When an employee meets the conditions as set forth in the Retirement Program Regulations, they may elect to retire and receive all benefits earned under the City's Retirement Program ("Plan"). Official notice of such intended action must be submitted by the employee in writing to the Human Resources Director within the prescribed time limits as set out in the Retirement Program (see Appendix E). Retiring employees who qualify may be eligible for terminal leave (see Article XI, Section J and Article XVIII, Section K).

**Termination** – Termination of regular employees shall be in accordance with Article XV. Termination of probationary employees shall be in accordance with Article X. Termination of temporary employees shall be in accordance with Article IX, Section B.

**Lay-offs** - Nothing herein shall be construed as affecting the power of the Board of Mayor and Aldermen to abolish positions in the classification plan upon recommendation of the City Administrator as prescribed in Title 4, Chapter 1 of the Municipal Code. Employees transferred, demoted, or laid-off shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in the Classified Service upon the effective date of the lay-off. Lay-offs shall be made within positions and all provisional employees in the affected position or positions shall be laid-off prior to the lay-off of any probationary or regular employee. For the purpose for determining order of lay-off, total cumulative time shall include time served on military leave of absence (as stated in the Municipal Code Title 4, Chapter 2, Section 4-216).

## **Section D. Reinstatements**

Reinstatement is a return to employment status without competitive selection or examination. Any regular or probationary employee in good standing who has been laid off is eligible for reinstatement to the same class of position in accordance with applicable state and federal laws. A reinstated employee shall be credited with prior accumulated service for retirement purposes only, provided the date of reinstatement is less than one year from the official date of separation from the City payroll. For purposes of vacation, sick leave, and other benefits he/she shall be considered a new employee.

A retired employee in pay status under the City Retirement Program at the time of retirement shall be permitted to return to service with the City temporarily and continue to be eligible to receive such benefits provided that all of the following conditions are met:

- During any twelve-month period (“re-hire period”), the retired employee shall not work more than one hundred twenty (120) days or the equivalent of one hundred twenty (120) days as determined by the City to its payroll practices.
- During the re-hire period, the full-time salary or wages payable to such retired employee shall not exceed an amount equal to the sum of sixty percent (60%) of the total full-time salary or wages received by the retired employee in the last full calendar year immediately prior to employment.
- The retired employee does not return to service until the expiration of at least sixty (60) calendar days from the retired employee’s effective date of retirement unless the retired employee returns to service in a position wherein the retired employee renders no more than one-half (1/2) the time or hours the retired employee was scheduled to work prior to retirement and no other qualified persons are reasonably available to fill the position as determined by the City in its sole discretion.
- Should the period of return to service or the salary or wages therefore exceed the limits specified above for any rehire period, any monthly annuity or other payment under the Plan shall be reduced for the following twelve-month period by the greater of the following:
  - a) Each day worked in excess of the 120 day per rehire period limitation shall result in the loss of one-twentieth (1/20) of the monthly annuity or other payment being made to the rehired employee; or
  - b) Any compensation received in excess of the 60% of full-time salary or wages per rehire period limitation shall reduce the monthly annuity or other payment being made to the retired employee by the ratio that such compensation exceeds the limitation.

- The Plan shall have the right to obtain reimbursement for any annuity or other payments overpaid as a result of a retired employee's reemployment in excess of that permitted above by deductions from any future monthly annuity payments, guaranteed payments, or other payments provided for under the plan.
- The retired employee will not accrue any additional Years of Credited Service during the retired employee's period of reemployment with the City.

## **Article XVII – Grievance and Appeals Procedure**

### **Section A. Policy**

It shall be the policy of the City to provide a procedure for the presentation of grievances when circumstances of misunderstanding or disagreement arise involving employees. The grievance procedure set forth below is to assure employees that their problems and complaints shall be considered fairly, rapidly, and without reprisal.

### **Section B. Definition**

A grievance is a dispute arising between employees and/or between an employee and the employee's supervisor and/or the employee's Department Director and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision affecting the employee. A grievance may arise from an employee's complaint about or disagreement with any of the following:

- Some aspect of employment and/or employment conditions, other than as excepted below;
- A relationship between the employee and the employee's supervisor and/or the employee's Department Director and/or the City;
- A relationship between the employee and other employees;
- The application or interpretation of regulations and/or policies;
- Management or administrative decisions or directives affecting the employee's health, safety, workplace, equipment or material used; and
- Other related items, other than as excepted below.

A grievance may not arise from any of the following:

- Personnel actions pertaining to position classifications and assignments;
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto;
- Any disciplinary action, however such action may be appealed as set forth in Article XV Section F; and
- Demotions, transfers and lay-offs because of the abolishment of positions.

### **Section C. Grievance Procedure**

The following procedure is to be followed to resolve an employee grievance. The purpose of the procedure is to determine what is fair and just, rather than who is right. The City encourages free and open discussion between employees and supervisors for effective communications and understanding pertaining to work-related matters.

The grievance may be resolved at any step in the procedure by mutual concurrence. Notation of any settlement shall be signed by all parties and forwarded to the Human Resources Director. Throughout the grievance procedure, whenever a specific number of City business days are allowed to submit a grievance or to respond to a grievance finding, then the “business days” in question shall be those normal to the person responsible for the next action. The “business days” do not include days of vacation, sickness, suspension, scheduled days off, etc.

If a grievance develops, the following steps shall be taken:

- 1) The employee should discuss the matter with his supervisor as soon as the grievance develops, but shall do so no later than within five (5) City business days. The supervisor shall make every effort to resolve the matter through oral communication.
- 2) If the matter is not resolved, the employee shall, within five (5) City business days of the supervisor’s response to the employee’s oral discussion of the issue with the supervisor, submit in writing to the supervisor a complete statement as to what the employee feels the grievance to be, and a suggested solution. A designated form shall be used for writing grievances. The forms may be obtained from the Department Director or the Human Resources Director. The supervisor shall respond in writing within five (5) City business days of receiving the employee’s written grievance. At this step and the following steps, copies of the grievance form (see Appendix C) and the response shall be forwarded immediately to the Human Resources Department.
- 3) If the supervisor’s response is not satisfactory to the employee, the employee may submit the grievance to the Human Resources Director within three (3) City business days of receiving the supervisor’s response.
- 4) If the grievance does not pertain to either the employee’s supervisor or another employee who reports to that same supervisor, then the employee may submit the grievance directly to the Human Resources Director.
- 5) The Human Resources Director shall obtain all information in its entirety from the employee filing the grievance and their supervisor and/or other parties named in the grievance. The Human Resources Director will notify the appropriate Department Director that a grievance has been filed. The Human Resources Director will informally meet with the employee, the Department Director, and other as necessary to informally discuss the grievance and possible solutions. The Department Director shall provide the employee with a written response within five (five) City business days following such meeting. The Human Resources Director shall make a copy of the grievance and all responses thereto a part of the City’s official personnel file for that employee. In the event a grievance is filed against a Department Director or Assistant City Administrator, or in the event any employee who reports, either directly or indirectly, to the Human Resources Director submits a written grievance, or in the event the Human Resources Director himself/herself

submits a written grievance, then no such informal discussion shall be held and the matter shall be forwarded to the City Administrator as an appeal of a grievance.

#### **Section D. Appeals of Grievance**

- 1) If the employee is not satisfied with the decision rendered by the Department Director, then the employee may, within five (5) City business days of receiving the Department Director's determination, appeal that determination to the City Administrator and request a grievance hearing.
- 2) The City Administrator shall, within two (2) weeks of receiving the written appeal, set the date, time and location for a grievance hearing, and shall notify the employee, the supervisor, the Department Director, the Assistant City Administrator (if applicable) and the Human Resources Director of this information. The grievance hearing shall be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the City Administrator notifies these individuals of the date.
- 3) The Human Resources Director has the authority to appoint a neutral third party (mediator) to be the final decision-maker in lieu of the City Administrator when it is determined that a neutral third party is in the best interest of the City.
- 4) It is the responsibility of the employee to appear at the scheduled grievance hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the appeal shall be dismissed.
- 5) The City Administrator or mediator shall have the authority to interview witnesses under oath, to compel the attendance of City employees, to require the production of information by employees and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the City Administrator or mediator at the grievance hearing shall include the employee submitting the grievance and the employee's supervisor or other person whose action is being reviewed. The aforementioned individuals may provide a list of others whom the City Administrator or mediator may also interview to the extent the City Administrator deems it practical and/or necessary to do so.
- 6) The employee's personal attorney may be present at the grievance hearing to serve in an advisory capacity. The City Administrator may request the City Attorney to attend the grievance hearing in order to serve in an advisory capacity. The grievance hearing shall be audiotape recorded.
- 7) The City Administrator or mediator shall have ten (10) City business days from the conclusion of the hearing to render a decision. The decision shall be in writing and shall include the reasons for the decision. The City Administrator's or mediator's decision shall be final and binding in all cases, except that the decision may be appealed to a court of law of competent jurisdiction.



## **Article XVIII – Leaves and Absences**

### **Section A. Holidays**

**Holidays** - The following days shall be declared official holidays for the Municipal Government employees and other such days as may be designated by the Board of Mayor and Aldermen:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Day	December 25th
Bonus Christmas Day	The workday before or after Christmas Day

The City Administrator annually sets the date observed as the Bonus Christmas Day.

When a holiday falls on a Saturday, the Friday before the holiday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. Floating holidays are not allowed.

Employees required to work when their scheduled shift falls on any City-observed holidays shall receive compensation in accordance with Article XI, Section H of these Rules and Regulations.

### **Section B. Vacation Leave**

All active regular full-time and regular part-time employees of the City, and all active employees in a probationary period for regular full-time positions of the City, shall accrue vacation leave monthly. An employee must be in a paid status with the City for at least 50% of the month in order to accrue vacation leave for that month. Employees on sick leave, terminal leave, job related disability / injury leave, layoff, leave without pay, absent without leave, or any combination of the above for more than 50% of the month will not accrue vacation leave time during that month. Employees on disciplinary suspension of one (1) or more days or suspension pending investigation or disciplinary hearing (unpaid) shall not be eligible to accrue vacation leave during the month of suspension. Employees may not borrow against future vacation leave before it is earned and accrued.

Vacation leave shall be accrued on the following basis unless otherwise designated by the City Administrator:



<b>Years of Service</b>	<b>Vacation Hours Accrued per Month (37.5 hour employee)</b>	<b>Vacation Hours Accrued per Month (40 hour employee)</b>	<b>Vacation Hours Accrued per Month (84 hour biweekly employees)</b>	<b>Vacation Hours Accrued per Month (Uniformed Fire Employees)</b>
0-5 years	6.25	6.6667	7.00	10.00
6 – 11 years	9.375	10.00	10.50	15.00
12 – 17 yrs	11.25	12.00	12.60	18.00
18+ years	15.00	16.00	16.80	24.00

Vacation will be computed on the number of standard work hours in a week. For vacation leave purposes, the term “workday” as it applies in this section shall be computed on a seven and one-half (7.50) hour basis for 37.50 hour per week employees, an eight (8) hour basis for 40 hour per week employees, twelve (12) hours for uniformed Fire employees on a 28 day cycle, and 8.4 hour basis (84 hours on a 14 day cycle) for sworn police employees.

Vacation leave shall not accrue until the end of the first full calendar month of employment or appointment, and shall be granted only after satisfactory completion of six (6) months of the probationary period, unless mitigating or emergency circumstances prevail. An employee starting to work at any time after the first working day of the calendar month shall not have accumulated vacation leave until the end of the following calendar month. For vacation leave purposes, reemployed employees shall be considered as new employees.

Vacation leave, which is to be scheduled as far in advance as possible, may be used at the employee’s discretion, provided the Department Director approves it. Department Directors may approve earned vacation leave if the operational requirements of the department can still be met despite the employee’s absence. Generally, vacation leave requests of less than four (4) hours will not be approved. Exempt employees will not be required to take leave for less than one working day, except where FMLA is applicable.

Any vacation leave may be scheduled at the approving supervisor’s discretion and in accordance with any approved departmental guidelines. Generally, vacation leave should not exceed ten (10) consecutive working days. However, under unusual or special circumstances, Department Directors may approve requests for more than then (10) consecutive days of vacation after considering the following:

- Whether the vacation leave is being asked in lieu of sick leave as maternity leave or for military service beyond military leave.
- The effect of the employee’s absence on the functioning and work load of the organization.
- The time needed by the employee to complete a special project or trip.
- The lapse in time from the employee’s last extended vacation.

All employees are strongly encouraged to use vacation leave in the year in which it is earned. Employees responsible for financial transactions and accounting (Collections, Payroll,

Finance) must take at least one consecutive five-day workweek each year. Department Directors should ensure that work schedules allow employees to use vacation leave in a timely manner. However, regular full-time employees (and regular part-time employees on a proportionate basis) may carry forward from one calendar year to the next the maximum number of days that could be earned in the previous year. In the event an employee has a greater accumulation than the maximum entitlement at the end of any calendar year, the carry-forward amount will be reduced to the maximum, and the employee may roll into sick leave, no more than five (5) excess days at the straight rate (40 hours for all employees except those on a 37.50 hour work week who may be paid for 37.50 hours and 60 hours for Fire Personnel on shift). Under no circumstances will active employees be paid or credited for more than these amounts. In the first pay period in February, Department Directors will submit to the City Administrator through the Human Resources Director notification for employees who have their excess vacation rolled into sick leave.

Employees being separated from City service for any reason will be paid for their unused vacation leave. Payment will be figured at the straight time rate in effect on the termination date. Employees who are not retiring will be paid at the next regularly scheduled pay day after the Department Director verifies that all uniforms, keys, and equipment have been returned.

## **Section C. Sick Leave**

All active regular full-time and regular part-time employees, and all active employees in a probationary period for regular full-time and regular part-time positions, shall accrue sick leave monthly up to an unlimited maximum number of working days. Sick leave shall not accrue until the end of the first full calendar month of employment or appointment. An employee starting to work after the first workday of the calendar month shall not have accumulated a day of sick leave until the end of the following calendar month. Doctor's certifications are required in the first six (6) months of employment. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits shall be charged to vacation leave or to leave without pay.

Sick Leave shall accrue on the following basis:

<b>Hours Scheduled to Work per Year</b>	<b>Sick Leave Accrued for Each Completed Month of Service</b>	<b>Annual Accrual Rate</b>
2,080	8 hours	96 hours per year
2184	8.4hours	100.8 hours per year
1,950	7.5 hours	90 hours per year
1,560	6 hours	72 hours per year
2,912	12 hours	144 hours per year

Sick leave must be taken at minimum ½ hour (30 minute) increments.

An employee must be in a paid status with the City for at least 50% of the month in order to accrue sick leave for that month. Employees on sick leave, terminal leave, job related disability / injury leave, layoff, leave without pay, or absent without leave for more than 50% of the month will not accrue sick leave time during that month. Employees on disciplinary suspension of one (1) or more days or suspension pending investigation for a disciplinary hearing (unpaid) shall not be eligible to accrue sick leave during the month of suspension.

Temporary, casual, provisional and student employees are not eligible for the accrual of sick leave. Accrual of sick leave begins with the date of appointment to a regular position. Regular part-time employees will accrue sick leave time at a proportionate rate based on amount of time worked. For sick leave purposes, reemployed employees shall be considered as new employees regardless of the reason(s) for separation.

The employee may use sick leave for the following purposes:

- for personal illness, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions;
- for the illness of any members of the employee's immediate family (see Article II, definition of "Immediate Family");
- for personal doctor and dental appointments;
- for doctor and dental appointments for any members of the employee's immediate family (see Article II, definition of "Immediate Family") whenever the employee must accompany that family member to that appointment; and
- a pro-rata amount of any accrued and unused sick leave may also be used to supplement any workers compensation benefits paid to the employee for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee (see Article XX, Section B).

Sick leave may not be used as personal time, and may not be used at any time while an employee is at work on a second job, regardless of health status. Use of sick leave following notice of resignation must be supported by a valid doctor's statement.

In order to utilize sick leave, the employee must notify the immediate supervisor or the Department Director no later than thirty (30) minutes before the beginning of the scheduled work shift for the department. Lesser limits may be required by the Department Director for "critical response" positions and in accordance with approved departmental guidelines. Employees must notify their supervisor as far in advance as possible of foreseeable sick leave usage such as doctor appointments, therapy sessions, etc. Furthermore, employees are expected to make every effort to schedule such foreseeable absences in such a way as to not unduly disrupt City operations. If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician shall be required. Additionally, after the equivalent of three (3) occurrences of sick leave have been taken in any twelve (12) month period, the Department Director may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period. All doctor's excuses and sick leave slips shall be forwarded to the Human Resources Director by the Department Director.

Any accrued and unused sick leave shall become null and void upon an employee's termination, with the exception of eligible retirees.

Employees who are eligible for retirement may be paid for accumulated, unused sick leave allowance as of the effective date of retirement (at the employee's regular straight time rate of pay in effect as of the date of retirement) up to a maximum of one hundred-twenty (120) working days, or they may be granted an equal amount of paid terminal leave in pay-period increments immediately preceding retirement at the employee's choosing. Only retiring employees are entitled to compensation for accumulated, unused sick leave. (see Article XI, Section J – "Terminal Pay")

Employees who abuse sick leave or deliberately make or cause to make false or misleading statements or claims regarding the necessity for sick leave shall be subject to the loss of such benefits, dismissal or such other disciplinary action as the Department Director deems necessary. All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence, shall be liable to the same disciplinary action as the employee.

Employees who become ill during the period of their vacation may request that their vacation leave be changed to sick leave pending proof of a doctor's statement. The employee shall be required to return to work when cleared by competent medical authority as determined by the Director of Human Resources.

An employee unable to return to work after taking all leave in accordance with the Family and Medical Leave Act (Section F of this Article), may request additional leave (with pay if available or without pay) with proper medical certification of the employee's serious health condition. Due to our business needs to maintain proper staffing, the maximum additional leave normally allowed will be no more than three (3) calendar months. However, as a reasonable accommodation a qualified employee with a disability who is unable to return to work after having exhausted the additional three (3) calendar months leave, may be offered a brief extension of time to return to work depending on the business needs and the expectation of when the employee may be able to return to work.

#### **Section D. Sick Leave Donation**

Any employee with 12 months or more of continuous service who has exhausted all paid leave (including sick and vacation) due to a serious, long-term illness of the employee or their immediate family as defined in Article II and has entered a leave without pay status for at least five (5) consecutive days may submit a request to the Human Resources Department for "donation of sick days." The request shall include a doctor's statement explaining the nature of the illness and the anticipated date for returning to work, provided this information has not already been received. The City Administrator, Human Resources Director and Department Director will determine if the request is valid. If so, then the Human Resources Department will send a request to all City departments asking for sick leave donations. Employees may donate

up to five (5) sick days and should contact the Human Resources Director to complete the necessary forms in order to make the transfer. No employee may receive more than eighty (80) transferred sick days while in the service of the City. The confidentiality of the employees requesting and giving donated sick leave will be protected. The employee may be retroactively paid for the first five leave-without-pay days, providing he/she receives sufficient donations.

### **Section E. Leave for Adoption, Pregnancy, Childbirth, and Nursing an Infant**

The purpose of this section is to provide time for employees to be absent from employment for the purpose of adoption, pregnancy, childbirth and nursing an infant, where applicable. Except when the employee uses accrued paid leave, leave for adoption, pregnancy, childbirth, and nursing an infant is otherwise considered and treated as leave without pay. Whether paid or unpaid, such leave shall also be considered and treated as FMLA leave (see Section F of this Article).

The City shall adhere to the provisions of the Tennessee Maternity Leave Act of 1987 as may be amended or superseded. This act is set forth in T.C.A. Section 4-21-408, "Leave for adoption, pregnancy, childbirth and nursing an infant." Any employee may obtain a copy of this act from the City's Human Resources Department.

The above referenced act provides that an employee who has been employed for at least twelve (12) consecutive months as a full-time employee may be absent from employment not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant. The City shall treat such leave for anyone with less than twelve (12) consecutive months of service as it would any non-job-related illness or injury.

The act also provides that an employee is to give three (3) months advance notice (unless prevented from doing so because of emergency medical necessity or because the notice of adoption received was less than three (3) months in advance) of his/her anticipated date to commence leave, the anticipated length of leave and his/her intent to return to full-time employment. The employee must comply with these provisions in order to be eligible for all rights and provisions of the act.

The employee shall be required to exhaust all accumulated leave and compensatory time prior to taking unpaid leave. Sick and vacation leave will accrue in accordance with Sections B and C of this article.

If an employee's job position is so unique that the City cannot, after reasonable efforts, fill that position temporarily, then the City is not obligated to reinstate the employee at the end of the leave period.

If an employee actively pursues other employment opportunities or works part-time or full-time for another employer during the period of leave, then the City is not obligated to reinstate the employee at the end of the leave period.

## **Section F. Family and Medical Leave (FMLA)**

The following content outlines the City of Franklin's policies in compliance with the federal Family and Medical Leave Act of 1993 (FMLA). Not every detail can be included in this policy; however, it is our intent to comply with the provisions of the FMLA, as may be amended from time to time. Any changes to the law shall supersede this policy. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with the FMLA.

### **1. General Provisions**

It is the policy of The City of Franklin to grant up to 12 weeks of family and medical leave during any 12-month period in accordance with the Family and Medical Leave Act of 1993 and up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The National Defense Authorization Act. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave as specified in this policy.

### **2. Basic Leave Entitlement**

Eligible employees may take family and medical leave for up to 12 weeks for one of the reasons listed below:

1. the birth of the employee's child and to care for that child
2. placement of a child with the employee for adoption or foster care and to care for the newly placed child
3. to care for the employee's spouse, child, or parent who has a serious health condition (see Serious Health Condition)
4. the employee's own serious health condition (see Serious Health Condition)

### **3. Military Family Leave Entitlements**

Eligible employees may take leave up to 12 weeks to address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or is called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies include non-medical and non-routine activities such as attending military events, counseling activities, post-deployment activities, making financial and legal arrangements, or childcare arrangements.

Eligible employees may take up to 26 weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a service member in the Regular Armed Forces, National Guard, or Reserves and has incurred a serious injury or illness in the line of duty while on active duty.

#### **4. Eligibility**

Employees who have worked for the City for a minimum of twelve months and worked a minimum of 1,250 hours in the preceding twelve months may be eligible for family and medical leave. The City calculates family and medical leave on a twelve-month rolling period. Hence, each time an employee takes family and medical leave, the remaining FMLA leave entitlement would be any balance of the twelve weeks which has not been used in the preceding twelve months.

Employees on military leave will be given credit for any months and hours of service he or she would have been employed while on military leave for purposes of determining eligibility for FMLA.

Eligible part-time employees may take FMLA leave in proportion to the number of hours they normally work for the City per week.

If the leave is requested for the purposes of caring for a newborn child or a newly placed adopted or foster child, the leave must be taken before the end of the twelve months following the birth or placement.

If the employee and the employee's spouse are employed by the City, they are entitled to a combined leave of up to twelve weeks in a twelve-month period for the birth, adoption, or placement of a child for foster care or to care for a sick parent.

#### **5. Intermittent Leave and Reduced Leave Schedules**

Leave due to a serious health condition may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary as certified by the healthcare provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City's approval. The employee and his or her supervisor must mutually agree upon the schedule. Employees on intermittent or reduced leave schedules may be temporarily transferred to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule. Intermittent or reduced leave may be spread over a period of time longer than twelve weeks, but it will not exceed the equivalent of twelve workweeks total leave in a twelve-month period.

Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### **6. Serious Health Condition**

A serious health condition, as defined by the Department of Labor, means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility
2. a period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular activities that also involves continuing treatment by or under the supervision of a health care provider
3. any period of incapacity due to pregnancy, or for prenatal care
4. any period of incapacity or treatment thereof due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.)
5. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.)
6. any absences to receive multiple treatments (including any period of recovery there-from) by, or on referral by, a health care provider for a condition that would likely result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

## **7. Leave Request and Notification Procedures**

**Procedure for Requesting Leave for 1) the birth of a child or in order to care for the child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child, or parent with a serious health condition; or 4) the serious health condition of the employee:**

**EMPLOYEE RESPONSIBILITIES** - Employees requesting this type of FMLA leave must provide verbal notice of the needed leave to the Benefits Manager. Employees must provide sufficient information (state a qualifying reason, explain reason leave is needed, provide anticipated timing and duration) to allow the HR department to determine if the leave may qualify for FMLA protection.

When subsequently requesting leave for the same FMLA-qualifying reason for which leave has previously been provided, employee must specifically reference the qualifying reason or state "FMLA" leave.

If the leave is foreseeable, the employee is required to notify the Benefits Manager at least thirty (30) days prior to the requested leave. Otherwise, such request must be submitted as soon as is practicable. This thirty day advance notice is not required in cases of emergency or other unforeseen events such as premature birth or sudden changes in a patient's condition. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may be exempt from this 30-day notice.

An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave.



**EMPLOYER RESPONSIBILITIES** - The HR department will provide individual notice of eligibility as well as rights and responsibilities to each employee requesting leave within five business days or as soon as practicable. If not eligible, the employee will be notified of the reason for ineligibility.

**Procedure for Requesting Leave for 1) a covered family member's active duty or call to active duty in the Armed Forces or 2) to care for an injured or ill service member:**

**EMPLOYEE RESPONSIBILITIES** - All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason for the needed leave to the Benefits Manager. Leave may commence as soon as the individual receives the call-up notice.

Employee will be required to provide certification for the leave.

**EMPLOYER RESPONSIBILITIES** - The HR department will provide individual notice of rights and obligations to each employee requesting leave within five business days or as soon as practicable.

## **8. Designation as FMLA**

The City may designate leave as FMLA entitled leave if information received by Human Resources indicates that the employee's absence from work qualifies under the Family and Medical Leave Act regardless of whether the employee requested FMLA leave. A Designation Notice will be provided to the employee by the HR department.

## **9. Medical Certification**

The City reserves the right to verify an employee's request for FMLA leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification from the healthcare provider of either the eligible employee or the family member, as appropriate. If the City has reason to question the original certification, it may, at the City's expense, require a second opinion from a different healthcare provider chosen by the City. That healthcare provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

This certification must provide the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the healthcare provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time the employee is needed to care for the family member. Medical certifications will be treated as confidential and privileged information.

Any required certifications or other documentation must be furnished by the date he or she is notified that such certification or documentation is required. Any costs associated with

completion of the medical certification will be the responsibility of the employee. If the certification is for the employee's serious health condition and is the result of a work-related injury, the City will reimburse the employee for this cost upon presentation of the applicable receipt.

Certification is not required for parental leave; however, employees will be required to provide documents evidencing birth, adoption, legal custody, or foster placement.

#### **10. Certification of Qualifying Exigency for Military Family Leave**

Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. Completion of a certification form will be requested as well as documentation such as a copy of the military orders or other Armed Forces communication.

#### **11. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

Employees requesting this type of service member FMLA leave must provide documentation of the family member's or next of kin's injury, recovery or need for care. Completion of a certification form will be requested. Additional documentation may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

#### **12. Use of Accrued Leave and Coordination with Other Leave**

Sometimes more than one type of leave may apply to a situation. Where allowed by law, leaves shall run concurrently and be counted against the employee's FMLA entitlement.

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued sick or vacation leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation leave prior to being eligible for unpaid leave.

Workers' compensation leave, to the extent that it qualifies, will be designated as FMLA leave.

#### **13. Benefits Continuation**

The City will maintain health and dental insurance benefits during periods of FMLA leave without interruption. During this time, the employee must pay for his or her share of the

premiums and/or any other payroll deductible insurance policies or the benefits may not be continued.

The City has the right to recover from the employee all health insurance premiums paid (including the City's share of the premiums) during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job due to their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

#### **14. Return to Work**

While on leave for FMLA qualifying reasons, the employee is required to contact his or her immediate supervisor or Department Director periodically. The purpose of this contact is to report the status of the leave and the approximate return to work date.

If FMLA leave is for the employee's own serious health condition that may prevent him or her from performing the essential functions of the job, the employee will be required to provide a fitness-for-duty statement from the treating medical professional before returning to work. After receipt of this statement, the City may, at its discretion and expense, require a second opinion. Employees in safety sensitive positions who have been absent from duty due to medical leave of a nature or duration that could affect his or her ability to perform the job may be required to undergo evaluation by a physician chosen by the City before returning to regular duty.

At the end of the FMLA leave, employees will be reinstated to their regular job or to an equivalent position. Employees cannot be guaranteed return to their exact previous duties and/or assignment. Employees are expected to promptly return to work when the circumstances which necessitated leave no longer exist.

If an employee does not return to work at the end of his or her qualified leave they may request additional leave in accordance with Article XVIII, Section C of the Human Resources Manual.,

#### **15. Key Employee**

Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

#### **16. Other Employment**

Employees who have received City approval to work on an outside job shall not be allowed to work at their outside job while on FMLA leave with the City except in cases where the employee is utilizing vacation leave to receive full pay while on leave.

#### **17. Extended Leave after Exhaustion of FMLA Leave**

Any portion of an employee's absence for a FMLA qualifying event that extends beyond the twelve weeks in a twelve-month period will be considered in accordance with the various other leave provisions of the City.

#### **18. Consequences of Failure to Comply**

If an employee fails to provide notices and certifications set forth in this Section, leave may be delayed or denied.

#### **19. Additional Information**

See Appendix D for FMLA forms and notices.

### **Section G. Bereavement Leave**

Regardless of length of employment, regular full-time employees shall be allowed up to three (3) days paid leave in the event of the death of a member of the employee's immediate family (See Article II, definition of "Immediate Family"). In the event that death in the employee's immediate family requires additional time for an out-of-town trip or for other good and sufficient reasons, the Department Director may authorize such additional days leave which will be counted against the employee's accrued sick or vacation leave. For the death of an employee's aunt, uncle, cousin, niece, nephew, or grandparents-in-law, one (1) day shall be allowed. If additional time is justifiable as determined by the employee's Department Director, it may be charged to sick or vacation leave. Only two non-immediate family bereavement leaves will be permitted each calendar year. Vacation leave may be granted to attend additional funerals. Verification of the death may be required for approval of leave under this policy.

### **Section H. Jury Duty / Civil Leave**

An employee's supervisor or Department Director shall authorize civil leave with pay in order that employees may serve required jury duty, provided that the need for such leave is requested by the employee as far in advance as possible. The employee shall have the option of receiving full pay from the City for civil leave by assigning to the City the amount earned from the court. Otherwise, the City shall pay the difference between the employee's regular salary and the amount earned from the court. If the employee is released from jury duty after serving less than three (3) hours of jury duty, he/she is expected to return to the work location. Employees on night shift will be excused from work on the shift immediately preceding the first day of jury duty. After the first day, if the employee serves more than three hours then the employee shall be excused from his next scheduled shift within twenty-four hours of the such day of jury duty.

## **Section I. Voting Leave**

In accordance with state law, all employees entitled to vote in national, state or municipal elections shall, when necessary, be allowed sufficient time off, as determined by the Department Director, to exercise their voting right before the closing of the polls where they are registered. Voter registration and poll closing time will be verified by the Department Director.

## **Section J. Military Leave/Re-employment**

Any regular employee of the City who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve, or the Tennessee National Guard, is entitled to military leave with pay while engaged in “duty or training [including weekend drills] in the service of this state, or of the United States, under competent orders.” Such an employee should notify their Department Director at least two (2) weeks in advance of the leave, if at all possible, or immediately if orders are received less than two (2) weeks from departing for duty.

Upon presentation to the City of official orders, such an employee shall be allowed such leave with pay for any such duty or training not exceeding twenty (20) working days in any one calendar year (T.C.A. 8-33-109). In the event such duty or training exceeds twenty (20) days in a calendar year, then the employee may request in writing that such excess time be charged to the employee’s accrued and unused vacation leave or compensatory time, if any, but not to any accrued and unused sick leave. It shall be the employee’s responsibility to arrange to attend monthly Reserve or Guard meetings on regular off time.

In addition to the twenty (20) days of paid leave as provided by state law, an employee called into active military duty who so requests shall be paid by the City on a monthly basis for up to six months the difference, if any, between the employee’s monthly military compensation and the employee’s base monthly City compensation by the City, which shall not exceed \$1,000 per month per employee. An employee called into active military duty who so requests shall be allowed while on active duty to maintain all insurance benefits available through or provided by the City to the employee on the terms and conditions as if the employee remained actively employed by the City. At the time the employee provides Human Resources with a copy of active duty orders, the employee shall also provide Human Resources with written documentation verifying base military pay amount. If the employee’s base military pay exceeds his or her base city pay, no supplement will be provided.

Any supplement provided by the City will be paid in the same manner as a normal payroll check and will be paid on normal City paydays. The supplemental pay will be subject to all applicable payroll taxes. If the employee’s supplemental pay is not sufficient to cover all current voluntary deductions (i.e. insurance, deferred compensation, United Way, etc.) the employee must either notify the City to cease those deductions, if allowed by law, or the employee may make a payment directly to the City to cover those deductions.

The employee has the option to use accrued vacation time during the military leave to continue receiving full pay from the City. If vacation time is used, any City supplemental pay would only begin after vacation time has been exhausted. Since the employee will receive paid leave benefits from the military, accrual of City vacation and sick leave will not continue for any employee receiving an active duty military pay supplement from the City.

For the first thirty days of active duty military leave, the employee will continue to be covered under the City's group health insurance plan. As provided by federal law, the employee will be covered under the military's insurance program and cease to be covered under the City's group insurance plan after the first thirty days. The employee will be eligible to re-enroll in the City's group insurance plan upon return to City employment.

If an employee covers a spouse or other dependents under the City's group health insurance plan, the spouse and/or dependents will have the option of switching to the military insurance program after the first thirty days or continuing coverage under the City's group health insurance plan as provided by federal law. If the employee's spouse and/or dependents choose to continue coverage under the City's group health insurance plan, the spouse and/or dependents will be placed in the appropriate COBRA coverage tier (i.e. individual, individual plus children). The employee will be required to pay the same amount towards spouse and/or dependent COBRA coverage as he was paying under the group plan, and the City will pay the remaining amount. The employee's share may be paid either via payroll deduction from the supplemental pay provided for above, if applicable, or direct payment to the City.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current State and Federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA).

Employees who are the spouse, son, daughter, parent, or next of kin may take up to twenty-six (26) work weeks of FMLA leave to care for a member of the Armed Forces as set forth in Section F of this article.

## **Section K. Terminal Leave**

Retiring employees who meet criteria under the City's retirement plan may be paid for up to 120 days accrued sick leave, up to 48 days vacation leave and all accrued compensation time. If the employee elects to take terminal leave in pay period increments, the number of whole days (partial days will be dropped) will be divided by five to determine the number of weekly pay periods of terminal leave. The same formula will apply for employees selecting to be paid in a lump sum. In some instances, the election to take payment as terminal leave rather than lump sum may give the employee a break on his/her taxes. Retiring employees on terminal leave shall not accrue vacation or sick leave.

## **Section L. Leave of Absence**

The City is aware that special problems of a personal nature often prompt employees to request a leave of absence. Leaves of absence, in general, are discouraged since the City shall try, but cannot guarantee, to hold the job open while the employee is gone. To clarify the City's position on granting a leave of absence, the following conditions shall apply to all regular employees who have completed the probationary period:

- 1) A leave of absence shall not be granted to probationary, temporary, seasonal or part-time employees except as a reasonable accommodation under the ADA as determined on a case-by-case basis and regardless of the employee's length of employment with the City.
- 2) A leave of less than two (2) workweeks shall not be treated as a leave of absence but as an "excused absence" without pay and shall be granted only when all accrued leave is exhausted.
- 3) A request for a leave of absence must be made in writing to the supervisor.
- 4) The employee's Department Director, Assistant City Administrator (if applicable), the Human Resources Director, and the City Administrator must evaluate each request for a leave of absence in advance. The City shall grant or deny the petition based on the factors of the individual case.
- 5) A leave of absence shall not exceed six (6) months. Failure to report back to work at the expiration of any leave of absence, without approval, shall be considered a voluntary termination of employment, in which case the date of termination shall be considered the last day worked before the leave of absence commenced. The leave of absence may be extended upon written request if circumstances justify and merit approval of the respective Department Director, Assistant City Administrator (if applicable), Human Resources Director, and City Administrator or as a reasonable accommodation under the ADA as determined on a case-by-case basis and regardless of the employee's length of employment with the City.
- 6) After returning from a leave of absence, the City shall make every effort to return an employee to the same job. However, the nature of the position may necessitate hiring someone else to fill the position, and there may not be another comparable job opening available. Therefore, the City cannot guarantee reemployment after a leave of absence. The City shall invite the employee to return to work and paid status before filling the employee's former position. The employee shall have ten (10) calendar days to respond to the offer of re-employment.
- 7) During leaves of absence, employees shall not receive credit for or accrue any paid holidays, vacation leave or sick leave.
- 8) After a four-week leave of absence, all group insurance benefits shall be treated as they are for a termination of employment, with the employee assuming the full cost of all benefits under COBRA. Any questions pertaining to insurance coverage during a leave should be discussed with the Human Resources Director prior to going on a leave of absence.

This Section does not apply to FMLA or Military Leave.

## **Section M. Absenteeism/ Absence Without Leave**

An employee who has a justifiable reason to be absent must request time off as far in advance of the scheduled shift starting time as possible. Failure to report to work without acceptable reason may result in disciplinary action up to and including dismissal.

Employees who are absent from work for extended periods of time that would not be covered by other rules and regulations contained herein will have their records reviewed on an individual basis and may be subject to dismissal.

Employees are not permitted to leave work early without permission of their supervisor.

All employees, exempt and non-exempt, must obtain proper approval for absences. An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee or the request was denied. Employees who are absent without leave may be subject to appropriate disciplinary action up to, and including, dismissal as determined by the Department Director. An employee who fails to report for work must personally notify his immediate supervisor or Department Director giving reason for such absence not later than thirty (30) minutes after the beginning of the first scheduled work day. Lesser limits may be required by the Department Director if the employee is in a "critical response" position. Failure of an employee to comply with this notification requirement for three (3) consecutive working days (two (2) consecutive work shifts for on shift Fire employees) shall be considered as an "abandonment of position" and an automatic resignation.

Employees who are absent without leave are not compensated for that day (s) and are not entitled to sick leave or vacation leave accrual for that month. Department Directors are held accountable for accurate reporting of employees who are absent from duty for any reason. Failure to accurately report leave may result in disciplinary action up to, and including dismissal. Notification shall not nullify the possibility of disciplinary action.

## **Section N. Tardiness**

It is understood that all employees are expected to report to work at their scheduled time. Tardiness detracts from the City's ability to meet its commitments. Tardiness is defined as being late for scheduled work time and must be documented by the supervisor. Tardiness may be cause for prompt disciplinary action. In addition, leaving work early without permission is disruptive and may be cause for disciplinary action.





## **Article XIX – Other Employee Benefits**

### **Section A. Group Life and AD&D Insurance Program**

The City offers at no cost to each regular full-time employee, each regular part-time employee consistently working over thirty (30) hours per week, and officials, life insurance and accidental death and dismemberment (AD&D) insurance coverage under a group policy. The insurance carrier establishes the terms and conditions of the policy. Eligible participants must designate a beneficiary and may change their beneficiary at any time by notifying the Human Resources Department in writing.

### **Section B. Group Health Insurance Program**

The Group Health Insurance Program shall be available to all regular full-time employees and regular part-time employees consistently working at least thirty (30) hours per week, and officials. Coverage for the employee and family (if applicable) will begin on the first day of the month following the first full calendar month worked. The employee's contribution to the premium shall be subject to change with fifteen (15) days advance notice to employees.

Active employees and officials who continue working past age 65 have the option of continuing coverage under the group plan or withdrawing from coverage under the group plan and choosing coverage under the federal Medicare system, assuming all other Medicare eligibility conditions have been met. An active employee or official who chooses coverage under Medicare will be eligible for Medicare supplement reimbursement benefits under the same terms and conditions as provided for eligible retirees over age 65. Medicare supplement reimbursement benefits will cease upon retirement.

The maximum amount of time for this continued coverage is equal to the amount of time the employee would normally be eligible for COBRA benefits or when the former employee becomes eligible for coverage under another employer's group insurance plan, whichever is sooner.

### **Section C. Vision Insurance**

In conjunction with the group health insurance program, the City provides vision insurance under the same terms and conditions as the group health insurance program. Employees enrolled in the group health insurance program are automatically enrolled in the group vision program at the same level of coverage.

### **Section D. FICA Insurance**

The City participates in the Federal Insurance Contributions Act. The City and employees are required by law to make appropriate contributions according to current rates and regulations.

## **Section E. Unemployment Insurance**

The City adheres to the Tennessee Unemployment Compensation Act. The City is required by law to make appropriate payments.

## **Section F. Long-term Disability Insurance Program**

The City provides, at no cost to the employee, a long-term disability insurance program for full-time employees. All active, full-time employees who have completed three (3) calendar months of continuous service with the City of Franklin and who become totally disabled to perform the essential duties of their job by reason of injury, sickness, or pregnancy may become eligible for long-term disability benefits subject to all the terms and conditions of the policy and as provided. Long-term disability benefits are payable only following a 90 day period of total disability, and shall provide up to 60% of the employee's base salary including a combination of social security disability, workers compensation, disability pensions, and any other sources of income up to a maximum of \$6,000 per month.

Benefit eligibility for the first ten (10) years of total disability shall be based upon the employee's inability to perform the material and substantial duties of the employee's own occupation. Benefit eligibility after the first ten (10) years of total disability shall be based upon the employee's inability to perform any gainful occupation for which the employee is reasonably qualified by education, training and experience. The maximum benefit payment period shall be based upon the employee's age at the time of disability, and the employee's standard social security retirement date.

All claims for long-term disability benefits shall be governed by the specifications of the long-term disability insurance policy in its entirety. Insurance carriers, policy specifications, and benefits are subject to change.

Employees receiving long-term disability benefits from or through the City shall not receive credit for or accrue any paid holidays, vacation leave or sick leave, and shall be considered inactive employees of the City.

## **Section G. Dental Insurance**

In conjunction with the group health insurance program, the City provides dental insurance under the same terms and conditions as the group health insurance program.

## **Section H. Retirement Plan**

For employees hired before February 15, 2010 the City offers a defined benefit plan. The plan is non-contributory, meaning the employees do not make direct contributions to the plan. The City makes contributions to the plan on the employee's behalf. Employees become vested after five (5) years of full-time employment and shall be eligible for benefits upon retirement, based on their age, their number of years of employment, and the average of the member's three (3) highest consecutive years of salary of the last ten (10) years of service. Complete details of

the pension benefits are available from Human Resources and may be found in the Summary Plan document found in Appendix E.

Full-time employees hired between July 1, 2001 and February 15, 2010 must contribute 3% of their annual salary on a pre-tax basis to a (401a) plan with International City Management Association Retirement Corporation (ICMA-RC) after completion of their first year of employment.

Within thirty (30) days of employment, employees hired after February 15, 2010 must choose to participate in a defined benefit plan or a deferred compensation plan. The minimum contribution to either of these plans is 5% of the employee's annual salary. If an employee participates in the defined benefit plan, the City makes all remaining contributions needed to fund the plan on the employee's behalf. The employee is fully vested after five (5) years of full-time employment and shall be eligible for benefits upon retirement, based on their age, their number of years of employment, and the average of the member's five (5) highest consecutive years of salary of the last ten (10) years of service. If the employee chooses to participate in the deferred compensation plan rather than the defined benefit plan, the employee will contribute a minimum of 5% of their salary to a 401a plan with ICMA-RC. The employee can make additional contribution to a 457 plan with ICMA-RC. The City will provide matching contributions to the employee's 401a plan for a minimum of 5% and a maximum of 8% of the employee's annual salary. The employee will not be entitled to the City's contributions until they are vested; the employee is fully vested after five (5) years of full-time employment.

The City offers a deferred compensation programs for all regular full-time and regular part-time employees to utilize. Through this program, employees may choose to deposit pre-tax dollars, subject to maximum limits established by federal law, through employee payroll deduction into tax-deferred, access-restricted savings accounts. Any regular full-time and regular part-time employee regardless of their hire date may contribute a portion of their salary on a pre-tax basis to a 457 with ICMA-RC. Participation in the 457 plan is completely voluntary. Employees may enroll in the 457 plan at any time during their employment.

## **Section J. Credit Unions**

Credit union membership and participation in the services of Southeast Financial Credit Union are available to employees.

## **Section K. Supplemental Insurance**

Several different types of supplemental insurance programs are available for purchase by employees through payroll deduction. These programs presently include, but are not limited to, accident insurance, cancer insurance, hospitalization insurance, flexible spending accounts, short term disability insurance, and life insurance.

## **Section L. Service Recognition**

See Article XI, Section I for details regarding service recognition.

## **Section M. City-Supplied Equipment and Uniforms**

In many circumstances, the City issues equipment such as cell phones, computers, personal safety devices or other equipment deemed necessary to perform the job duties required by the employee's positions.

The City provides or pays a portion of the cost of uniforms and equipment (such as cell phones, computers, personal safety devices, etc.) deemed necessary for employees to carry out their day-to-day work. In addition, the City provides laundering service for City issued uniforms provided to certain employees of the Public Works, Water & Sewer, and Parks & Recreation Departments.

The City requires employees to sign a Uniform and Equipment Agreement (Appendix F) upon issuing such uniforms or equipment. If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, then the City may require the employee to pay for replacement items in accordance with the Uniform and Equipment Agreement.

## **Section N. Recreational Benefits**

Regular full-time and regular part-time employees of the City are eligible for individual memberships to the Williamson County Recreation Center at no cost to the employee as long as provided by the City and Williamson County. The eligibility begins on the date of hire. Employees joining the Williamson County Recreation Center are subject to all Williamson County Recreation Center policies and organization rules.

## **Section O. Employee Assistance Program (EAP)**

Confidential professional assistance is offered to any employee or family member of an employee who feels an experienced counselor could help resolve a personal problem. The EAP offers assistance in the areas of marital, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and any other personal or emotional problems. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, the EAP will work to minimize the employee's costs by locating a qualified referral source that may be covered in part or completely by insurance. See Article XXII Section W for procedures for implementing supervisor referral to the EAP.

## **Section P. Educational Advancement**

The City of Franklin recognizes that certain positions in the Classified Service may require educational courses, levels and degrees which may not be held by current employees. Current employees serving in positions requiring such education levels when the requirements were instituted or changed will be grandfathered into the position. However, those employees will be encouraged to obtain the required educational levels. As an incentive to educational advancement, the employee may be reimbursed for educational expenses.

Requests for tuition assistance and college reimbursement will be approved by the City Administrator upon recommendation of the Department Director and the Human Resources Director, in accordance with the following criteria:

The educational program is directly applicable to job situations as determined by the City Administrator, in consultation with the Human Resources Director after review of the job description and/or course program. Individual courses may be approved if required as part of the program if not applicable to the job. Reimbursement will not be approved for employees whose last annual performance evaluation is not at or above “meets expectations” or who has not completed his/her initial probationary period. The training per credit hour must not exceed the cost of education at an equivalent Tennessee Board of Regents institution. The City will pay up to seven (7) credit hours per semester. The City recognizes three semesters per year: Spring (January-May), Summer (May-August), and Fall (August-December). Courses must be offered through a degree-granting college or university accredited by a regional accrediting agency recognized by the U.S. Secretary of Education.

Employees are prohibited from receiving double-funding for education (i.e. academic scholarships, veterans benefits, grants, etc.). The employee must certify that he/she is not receiving financial aid from any other source.

The request for tuition assistance and educational reimbursement will be on forms prescribed by the Human Resources Director. Approvals will be received before the employee registers for the course. Requests received after the employee has registered will not be approved.

The City will reimburse the employee for approved tuition upon receipt of the necessary evidence of course completion and after necessary costs have been invoiced by an accredited university. The employee shall submit to the Director of Human Resources the quarter or semester grade report, a copy of the registration form reflecting tuition and lab fees, and the cash register receipt for books for reimbursement by the City no more than thirty (30) days after the end of the quarter/semester. Tuition reimbursement is always conditional to availability of funds approved by the Board of Mayor and Aldermen. The employee will receive reimbursement based on the following schedule:

- 100% reimbursement for a grade of A or B,
- 50% reimbursement for a grade of C,
- 0% reimbursement for any other grade.

Employee agrees that City has the right to deduct all amounts paid for tuition from Employee's final pay settlement if Employee is separated from his/her employment, (a) within one (1) year after receiving an associate degree; (b) within two (2) years after receiving a bachelors degree; (c) within three (3) years after receiving a masters degree or juris doctorate; or (d) any time prior to receiving an associate degree, bachelors degree, masters degree, or juris doctorate. If the amount so deducted does not fully cover the tuition, Employee shall arrange payments with City for the outstanding balance, according to the provisions of Paragraph 2 of the Education Tuition Reimbursement Agreement (see Appendix G).

**GED Completion** - The City of Franklin recognizes that GED completion is a significant academic achievement for adult learners. The City of Franklin will pay a one-time \$500.00 incentive to those employees who achieve high school equivalency through the GED program, providing the equivalency test is taken while in the City's employ.

NOTE: The City reserves the right to amend, modify or discontinue the benefits and plans offered under this Article, including making any changes to the benefits, eligibility and employee premium and/or contribution requirements for the group health insurance and welfare plans provided for herein.





## **Article XX – Workplace Safety / Risk Management**

### **Section A. Policy**

It is the policy of the City to provide a safe and comfortable work environment for all City employees. The City has established workplace safety procedures and regulations that comply with regulatory requirements and which are intended to increase safety consciousness among all employees. It is City policy to maintain a constant vigilance of all safety programs, and where safety standards are found to be deficient the City shall take immediate action to correct the situation. The City adheres to the philosophy that the safety of the employees and the public is a high priority.

Employees are responsible for abiding by the City's Safety Manual. A copy of the safety manual can be obtained from the Human Resources Department.

### **Section B. Workers' Compensation**

All employees are covered by Workers' Compensation Insurance in a policy carried by the City. The City adheres to the provisions and requirements of the Division of Workers' Compensation of the Tennessee Department of Labor.

When an employee is injured while working and being compensated by the City and requires medical attention, the employee should seek medical attention from a physician on the panel of physicians approved by the City's workers' compensation insurance carrier. The panel of approved physicians will be posted in each department. In an emergency situation, the injured employee may use the most convenient medical service or hospital.

Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or Department Director, and take necessary first aid or medical treatment. It is mandatory that within twenty-four (24) hours the employee (or supervisor if the employee is deemed unable) shall complete the Employee Incident Report and sign the acknowledgment's page and complete a TN First Report of Injury (form C20, see Appendix H) and a Medical Waiver and Consent (form C31, see Appendix H). An employee determined to have been able, and who fails to complete these forms shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the supervisor or Department Director shall immediately after receiving the Employee Injury Report, complete the Supervisors' Accident Investigation Section of the report. The original of each report must be submitted to the Risk Manager within twenty-four (24) hours of the incident. The Department Director may keep a copy for his/her file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Department Director, the Risk Manager and the Human Resources Director.

Employees off work on occupational disability or injury leave shall receive compensation in accordance with the Tennessee Department of Labor regulations. The Risk Manager under

the direction of the insurance carrier or its representatives shall coordinate all workers' compensation claims. The employee shall be required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Risk Manager. Failure to follow proper procedure may result in disciplinary action.

Regular employees on occupational disability leave shall receive full pay from the City, less any supplemental salary benefits received under Workers' Compensation, provided the injury or disability is determined to be compensable under the provisions of the Workers' Compensation Law and by the carrier and provided the employee follows the procedures for reporting such injury or disability as set out in this section. Any monies received by the regular employee as a supplemental salary benefit under Workers' Compensation shall be endorsed and deposited in original check or draft form with the Payroll Office by the employee or his authorized representative. The total amount of monies paid the employee each pay period shall not exceed the full pay which such employee would have received for such period at his regular straight time rate in effect as of the date of injury had he remained on the job. For purposes of calculating any overtime worked by the employee during the pay period in which the injury occurred, the time during the period the employee was on occupational disability leave will be used in the computation at his regular straight time pay rate in effect as of the date of injury.

The City of Franklin Risk Manager will assist the employee in scheduling medical provider appointments, if requested, by the employee. For injured employees who return to work on light duty status, any time spent at medical or physical therapy appointments as follow-up treatment for any occupational injury or illness shall be considered City work up to two hours shall not be charged against any of the employee's accrued paid leave used to supplement workers' compensation payments. Any time over two hours away from work shall be charged against the employees accrued paid leave.

### **Section C. Workers' Compensation Reporting Procedures and On the Job Injury Leave Procedures**

Employees shall adhere to the City's Workers' Compensation Reporting and On the Job Injury Leave Procedures found in Appendix H.

### **Section D. Return To Work**

Employees shall adhere to the City's Return to Work Policy found in Appendix I.

### **Section E. Drug and Alcohol Testing**

Employees shall adhere to the City's Drug and Alcohol Testing Policy found in Appendix J.

## **Article XXI – Harassment, Workplace Violence, and Retaliation**

### **Section A. Definition of Sexual Harassment and Other Forms of Harassment**

The definition of sexual harassment includes sexually offensive or inappropriate conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct directed by women toward women. Also prohibited under this policy is harassing conduct directed toward employees on the basis of race, sex, age, national origin, color, disability, veteran's status religion, or in retaliation for involvement of any protected activity. Consequently, this policy applies to officers and employees of the City of Franklin, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the Human Resources Manual or other regulations of the municipal government and employees working under contract for the municipality.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors; telling inappropriate sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees or, on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting or unreasonably interferes with work performance practice and is absolutely prohibited by the municipal government.

Harassment based upon race, sex, national origin, color, disability, age, veteran's status or religion might include words, gestures, behaviors, or actions which diminish employees, makes the job environment hostile, affects employment decisions, and/or interferes with work performance. It is the intent of this policy to treat all complaints seriously and to utilize the same complaint processing procedure.

### **Section B. Making Harassment Complaints**

The municipality may be held liable for the actions of all employees with regard to harassment and, therefore, will not tolerate the harassment of its employees. The City will take immediate, positive steps to stop it when it occurs. By law, the City is responsible for acts of harassment in the work place where the City (or its agents or supervisory employees) knows or reasonably should have known of the conduct, unless it can be shown that the City took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to the harassment of employees in the work place, where the municipal government (or its agent or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels that he/she is being subjected to harassment should immediately contact one

of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

The employee's immediate supervisor;

The employee's Department Director;

The employee's Assistant City Administrator;

The City's Human Resources Director; or

City Administrator

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of which of the above persons the employee makes a complaint of harassment, the employee should be prepared to provide the following information:

- 1) Official's or employee's name, department and position title;
- 2) The name of the person(s) committing the harassment, including their title(s), if known;
- 3) The specific nature of the harassment, how long it has gone on and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.), taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
- 4) Witnesses to the harassment; and
- 5) Whether the employee has previously reported the harassment and, if so, when and to whom.

### **Section C. Reporting and Investigation of Harassment Complaints**

The Human Resources Director or their designee is the person designated by the municipal government to be the investigator of complaints of harassment against employees. In the event the harassment complaint is against the Human Resources Director, the investigator shall not be a municipal employee, but shall be an investigator contracted with and appointed by the City Administrator. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Department Director with a copy to the Human Resources Director. If the complaint is lodged against the Department Director or an Assistant City Administrator, the City Administrator will be the responsible official for reviewing these actions. Upon conclusion of the investigation, the investigator shall prepare a report of the findings to the Department Director. The report shall include the written statement of the person

complaining of harassment, the written statement of witnesses, the written statement of the person against whom the complaint of harassment was made, and a recommendation for disciplinary action, if any.

Upon receipt of a report of the investigation of a complaint of harassment, the Department Director shall immediately review the report. If the Department Director determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his/her review of the information, the Department Director shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the Department Director shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis. If the Department Director determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with his authority under the municipal charter, ordinances or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally (see Article XV). The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the Board of Mayor and Aldermen believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment. In cases where the harassment is committed by a non-employee against a municipal government employee in the work place, the City Administrator shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end.

#### **Section D. Obligation of Employee**

Employees are obligated to report instances of harassment. Employees are also required to cooperate in every investigation of harassment. The obligation includes, but it is not necessarily limited to, coming forward with evidence, both favorable and unfavorable for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment. Disciplinary action may also be taken against any employee who fails or refuses to cooperate in the investigation of a complaint of harassment or who files a complaint of harassment in bad faith.

## **Section E. Workplace Violence and Harassment**

It is the policy of the City of Franklin to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the City's activities. The City of Franklin will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

No employee or non-employee shall be allowed to harass any other employee, equal to, subordinate or superior in position, or non-employee by exhibiting behavior including, but not limited to, the following:

Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions, verbal intimidation, exaggerated criticism or name-calling; spreading untrue and malicious gossip about others.

Non-verbal Harassment. The use of suggestive body language, use of hand signs, or any additional suggestive, intimidating, or lewd gestures such that any reasonable person would deem them inappropriate.

Physical Harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

Visual Harassment. Derogatory or offensive posters, cartoons, publications or drawings.

Under no circumstances are the following items permitted on City property, including City-owned parking areas, except when issued or sanctioned by the City for use in the performance of the employee's job:

all types of firearms, switchblade knives and knives with a blade longer than four inches;

dangerous chemicals;

explosives or blasting caps;

chains; or

other objects carried for the purposes of injury or intimidation.

Charges of violence and harassment may be reported to any supervisory employee of the City, including the Human Resources Director, City Administrator and the Mayor. The Human Resources Director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the City Administrator may request that the Police Chief provide assistance to the Human Resources

Director or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

When a non-employee is found to be harassing an employee, necessary and appropriate steps shall be taken to ensure the harassment does not continue.

Copies of the investigative report with recommendations for appropriate action will be turned over to the Department Director or City Administrator as appropriate for further action. Disciplinary action up to, and including, termination may be taken against any employee who commits acts of workplace violence and harassment.

## **Section F. Retaliation**

The City of Franklin prohibits all forms of retaliation (as defined in Article II) against any individual who complains in good faith about workplace discrimination or harassment or reports in good faith conduct which violates City policy. This policy also protects individuals who participate in the investigation of any such complaint or report.

It is the City's policy to encourage discussion of workplace issues and to help protect others from being subjected to inappropriate behavior. Violation of this policy may result in disciplinary action up to and including dismissal.

Any employee who believes he or she has been retaliated against shall immediately inform their supervisor or the Human Resources Department.

## **Section G. Open Door Policy**

The City of Franklin Human Resources Department has an open door policy and employees are welcome to discuss any aspect of their employment without fear of retaliation.





## **Article XXII – General Policies and Procedures**

### **Section A. Employee Conduct**

Employees of the City shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association, either on or off duty, which discredits him/her and/or the City. Each employee is expected to conduct himself/herself both on and off the job in such a manner as to reflect positively on both himself/herself and the City.

### **Section B. Political Activity**

In accordance with T.C.A. Sections 7-51-1501 through 7-51-1503, all City employees shall:

- 1) Enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state or local political office except for any elected office of the City of Franklin; and
- 2) Enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities.

Provided, however, that:

- 1) Employees of the City shall not participate in any such political activities while on-duty for the City; and
- 2) Employees shall not use City equipment or any other City resources either on or off duty while participating in political activities; and
- 3) Employees shall not seek election or appointment to City office.

Any willful violation or violations through negligence of any of this policy shall be sufficient grounds for the discharge of any employee guilty of such violation.

### **Section C. Records**

The Human Resources Director shall maintain adequate records of all personnel activities and transactions, the proceedings of any and all hearings and appeals as they relate to personnel administration, this Human Resources Manual, the record of every applicant as required by applicable record retention standards, and the employment record of every employee.

The City abides by the Tennessee Open Records Act, TCA Title 10, Chapter 7.

## **Section D. Outside Employment**

No regular, full-time officer or employee of the City of Franklin shall accept or engage in additional employment outside the official hours of duty without the written approval of the Department Director with concurrence by the Human Resources Director (see Form for Approval of Outside Employment in Appendix K). The Outside Employment Form must be renewed by January 31<sup>st</sup> of each year. The employee may appeal disapprovals to the City Administrator. Approval may be granted after determining whether outside employment will cause, or can cause, a conflict of interest; is incompatible with the employee's position with the City; will interfere with the satisfactory performance of the employee's duties; or is likely to reflect discredit upon, or create embarrassment for the City. Outside employment shall not be performed for a minimum of eight (8) hours prior to the employee's shift for the City. If the second job interferes with performance at the City, the employee will be counseled and appropriate steps to correct the deficiencies will be taken. Any employee engaging in approved outside employment must notify the Department Director and the Human Resources Director in writing of his place of employment, working hours, duties of such employment and telephone number or place of permanent contact on the outside employment request form.

Employees may not accept or continue any outside employment if the work unreasonably inhibits the performance of any duty of their position. Employees are to be reminded that the City of Franklin is their primary employer and that the City will not schedule around the requirements of the employee's second job. Further, employees may not perform outside employment while on sick leave. Exceptions may be granted if an employee is returned to limited duty by a physician and the City cannot accommodate the work constraints, but the secondary employer can without further injury or increased recovery time.

The City's medical insurance will not cover claims or illnesses sustained while on duty at the employee's second job.

## **Section E. Business Dealings**

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, and except as noted below, no City officer or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of or by the City.

Regular full-time, regular part-time and temporary employees of the City may, subject to the approval of the City Administrator, contract to perform services for the City by meeting the following criteria: (1) the service performed must not be any service which the employee might provide in the normal scope of their regular duties; (2) the employee would be required to bid or submit a proposal in the same manner as any other prospective provider of service; and (3) the service performed must not present a conflict of interest nor a conflict of time with the employee's regular duties.

## **Section F. Acceptance of Gratuities**

No City officer or employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act which the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to City business. For further explanation see Title 1, Chapter 7, Section 1-705 of the Municipal Code (Appendix L).

## **Section G. Use of Information**

Employees may not disclose any information obtained in their employment that is made confidential under state or federal law except as authorized by law. Furthermore, employees may not use or disclose information obtained in their employment for financial gain for themselves or any other person or entity. For further explanation see Title 1, Chapter 7, Section 1-706 of the Municipal Code (Appendix L).

## **Section H. Use of City Time, Facilities, Resources**

No City officer or employee shall use or authorize the use of City time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition shall not apply when the Board of Mayor and Aldermen has authorized the use of such resources of the City, and the City is paid at such rates as are normally and customarily charged by private sources for comparable services. For further explanation see Title 1, Chapter 7, Section 1-708 of the Municipal Code (Appendix L).

## **Section I. Use of Position**

No City officer or employee shall make or attempt to make private purchases in the name of the City, nor otherwise use or attempt to use status as a City employee to secure unwarranted privileges or exemptions. For further explanation see Title 1, Chapter 7, Section 1-709 of the Municipal Code (Appendix L).

## **Section J. Use of City Provided Technology**

See Appendix M, *Computer, Internet, and Email Policy*

## **Section K. Employee Cell Phone Policy**

See Appendix N, *Wireless Telecommunications Policy*

## **Section L. Additional Department Provisions**

Due to the emergency and paramilitary nature of their work, the Fire and Police Departments may have supplemental rules and regulations that are more stringent than rules and regulations applied to employees of other departments.

Additionally, all other departments may have supplemental rules and regulations that are specific to the work related goals and mission of that department.

Supplemental rules and regulations shall not be inconsistent with the City's Human Resources Manual and are subject to review and approval by the Human Resources Director and the City Administrator.

## **Section M. Nepotism**

Except as authorized by the City Administrator due to a lack of acceptable and practical options, no applicants for employment shall be hired and no employees shall work or be placed in positions within the same department or under the direct or indirect supervision or accountability of a member of their immediate (as defined in Article II for bereavement leave purposes) or extended family as related through blood, adoption or marriage. Additionally, the City Administrator, Assistant City Administrators, HR Director, nor any employees of the HR Department shall have family members employed by the City (any exceptions at the time of adoption of this rule shall be grandfathered in).

If after adoption of these Rules and Regulations two employees in the same department or under the same direct supervision or accountability should marry or otherwise become in violation of this section by marriage or adoption, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position in another department, division, or shift for which the employee is qualified and which would resolve the violation of the City's nepotism policy. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will leave City employment. In the event the employees cannot decide between them who will leave, and if a transfer cannot be arranged, then the employee with the higher level of job-related performance for the City shall be retained and the other shall be dismissed.

## **Section N. Employee Licenses and Certifications**

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a City vehicle or equipment must possess the appropriate type of valid driver's license at all times. Any employee receiving a salary supplement for certification as a paramedic is responsible for re-certifying himself/herself on a timely basis. Any expiration or revocation of valid licenses or

certifications, required for the job or for which a salary supplement is received, must be reported immediately to the employee's supervisor. An employee's failure to immediately report expiration or revocation of a required certificate or license shall be subject to disciplinary action in accordance with Article XV. The City shall conduct periodic checks of required licenses and certification to insure employees keep them valid and current.

## **Section O. Smoking Policy**

All buildings owned and maintained by the City of Franklin are smoke free. Smoking is prohibited within twenty-five (25) feet of all entrances, passageways, operable windows, and ventilation systems owned and maintained by the City of Franklin. All city-owned, operated, and maintained vehicles are smoke-free.

## **Section P. Hours of Work, Attendance, and Inclement Weather**

**Hours of Work:** The City Administrator, in conjunction with Department Directors, shall establish hours of work per work period for each position in the Classified Service and the hours during which offices shall be opened for business. The needs of service and the reasonable needs of the public who may be required to do business with the various City Departments always shall be taken into account before the personal wishes of employees. All non-exempt employees, except for Uniformed Fire personnel, shall work forty (40) hours per week with special provisions made in departments that require additional hours to meet existing conditions or emergency contingencies. Non-exempt employees hired before March 1, 1999, on a 37.5 hour workweek will remain on 37.5 hours/week until promoted, reclassified, or reassigned. Administrative offices in City Hall will be open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Departments outside City Hall generally operate on a 7:00 AM to 4:00 PM schedule. The workweek for all employees is Friday, 12:00 AM, through Thursday, Midnight, except Fire Department employees on shift work a 28 day cycle.

**Attendance:** Employees shall be in attendance at assigned work stations or locations at established starting times in accordance with general departmental regulations and these Rules. Employees are required to adhere to the City's time and attendance procedures, including but not limited to punching in and out and completing leave slips. All departments shall keep daily attendance records of their employees which shall be reported to the Finance Department on Mondays by a time specified by the Comptroller.

**Inclement Weather:** Generally, inclement weather does not warrant the closing of City facilities or activities, and every employee is expected to make every attempt to report to work as usual. Some City operations and activities must continue regardless of, or because of, the weather conditions. Employees who must perform these activities are considered emergency personnel and are designated as such under specific or all circumstances by the City Administrator in conjunction with individual Department Directors. Public Safety personnel and the Risk Manager are designated as emergency personnel under all circumstances. Employees in other departments, for example the Street Department, may be declared emergency personnel depending upon their job function and the equipment they operate. These employees are

expected to report to work under all weather conditions. Emergency personnel who fail to report to work will be charged with leave without pay.

Department Directors, regardless of department or function, are expected to report to work.

If local weather conditions make it impossible for non-emergency personnel to report to work, the employee is expected to notify the supervisor in the same manner as for any other absence. Non-exempt employees may use vacation leave, accrued compensatory time, or if the employee has no accumulated leave, leave without pay. Exempt employees may use vacation leave.

If an employee is late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one hour. Delays of longer than one hour will be charged to vacation leave or compensatory leave, taken as leave without pay, or made up within the workweek, with the approval of the Department Director.

If weather conditions become progressively worse during the course of the day all employees will be expected to finish out their work schedule unless granted leave or unless contrary instructions are received from the City Administrator or the Mayor. Only the City Administrator or the Mayor can approve closing all activities, operations, and functions in any department, facility, and/or building.

## **Section Q. Personal Appearance and Dress**

### **Personal Appearance:**

The City expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization and respect for other employees and the public. Clothing should be clean, neat, pressed, and well-maintained.

Non-uniformed administrative and office staff regardless of department or location shall wear business casual attire as set forth in the Personal Appearance Categories and Approved Clothing (Appendix Q). On Fridays, days before holidays, and days where a significant portion of the workday will be spent outdoors or engaged in manual labor indoors casual attire (blue jeans) is acceptable for such staff (See Appendix Q). Shorts and blue jeans may be considered a part of the uniform for employees who spend a greater part of each or nearly every day outside or engaged in manual labor indoors (Inspectors; Parks; Street, Water, and Solid Waste workers; etc.) subject to the approval of the employee's Department Director.

The following items are prohibited unless specifically authorized by the Department Director and City Administrator:

- Suggestive attire, see-through fabrics, low cut blouses or shirts, midriff shirts, miniskirts, clothing that is not the proper fit, or any other revealing apparel
- Overalls

- Wind pants
- Tank tops, spaghetti straps, sleeveless shirts, or tube tops (unless worn under a blouse)
- Athletic wear such as sweat shirts, sweat pants, jogging suits, yoga pants, and sports jerseys
- Printed t-shirts not assigned to the employee as part of their uniform
- Casual flip-flops
- Large belt buckles that draw attention or belt buckles with words or symbols
- Pants with frayed hems, holes, rips or obvious patches
- Overly worn, torn, or tattered clothing
- Clothing or accessories that promote political affiliations that are a violation of Section B. “Political Activity” of this Article.
- Subjective or inflammatory symbols or any offensive clothing that is a violation of the City’s Harassment and Workplace Violence Policy (Article XXI).

Open toed shoes or sandals are not permitted in work areas where the exposure to chemical, environmental, or crushing hazards exist. Also, shoes with an open back, such as thong shoes are not permitted for jobs that require the employee to walk in directions other than forward frequently (such as when guiding vehicles or operating a hand-held camera).

Employees should maintain proper hygiene at all times. Hair should be clean, combed and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of the length. Sideburns, mustaches, and beards should be neatly trimmed. Long hair should be pulled back if it creates a safety concern. Fingernails should be clean and well-trimmed. Offensive body odors and fragrances should be avoided.

Good judgment should be exercised when wearing clothing with a logo or trademark. Generally, no logos or trademarks greater than 4 inches by 4 inches should be worn. Employees should be conscious of wearing logos that may have the potential to show bias or favoritism for vendors or contractors that do business or may do business with the City of Franklin. Any logos that may project a negative image (such as advertising for tobacco or alcohol companies) should never be worn.

Identification badges shall be in possession of employees during work hours and when meeting with the public.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated and repeated violations of this policy will be cause for disciplinary action.

### **City-Issued Clothing:**

In accordance with Article XIX, Section M. City-Supplied Equipment and Uniforms, employees required to wear a City-issued uniform will be required to sign a Uniform and Equipment Agreement (Appendix F). If issued a uniform, the employee shall wear such uniform while on duty, unless otherwise specified by their supervisor or Department Director.

Furthermore, employees are prohibited from wearing their uniform while not on duty (unless they are traveling to or from work). City uniforms shall not be altered.

From time to time, a Department Director may choose to order clothing with the City of Franklin logo for their employees. Such items should never be given to charities or individuals not employed by the City of Franklin. Should an employee be separated from employment at the City of Franklin, these items should be returned to Human Resources prior to the employee receiving their final paycheck.

Violations of the City's personal appearance policy may be grounds for disciplinary action.

## **Section R. Use of City-Owned Vehicles**

See Appendix O, *Vehicle Use Policy*

\*Employees living outside Williamson County will not be allowed to take a vehicle home.

## **Section S. Travel**

See Appendix P, *Travel and Expense Policy and Procedures*

## **Section T. Strikes/Union Activity**

It is recognized that employees have the right to join labor organizations. However, all union activity is to be conducted off City property and outside working hours. Further, City equipment and materials may not be used to conduct union business. No officer or employee of the City of Franklin shall be a party to, participate in or instigate any strike against the City. Officers and employees are prohibited from being a member of, or soliciting any other officer or employee to join, any labor union which authorizes the use of strikes by municipal employees.

## **Section U. Improvement of Working Conditions and Welfare**

The Board of Mayor and Aldermen, City Administrator and Human Resources Director shall work closely and together with the Risk Manager, City management and its employees and any necessary outside agencies to promote health and welfare of City employees. These measures will be directed toward clean, safe and healthful working conditions that are conducive to high morale, increased productivity, greater efficiency, and low rate of turnover in the City service. The officers and employees shall collectively work toward any means of bettering the conditions and improving the morale of the City employees.

## **Section V. Place of Residence**

As a condition of employment, all Department Directors, the Risk Manager, and regular employees of the City of Franklin determined to be in "critical response" positions (as defined in Article II of these Rules) shall continuously maintain a place of residence that will permit the



employee to report for work at the required time, both during normal and emergency periods, regardless of road and weather conditions. Department Directors will establish emergency response guidelines, regarding time and/or distance. Failure to comply with these provisions may be cause for dismissal.

Job applicants will be notified by selecting supervisors and vacant position announcements about residency requirements.

All Department Directors and the Risk Manager, employed or selected after July 1, 2003, must establish and continuously maintain a residence in Williamson County (within the City of Franklin is preferred) within twelve (12) months of employment). The Police Chief and the Fire Chief must maintain a residence within the City of Franklin or its Urban Growth Boundaries.

Employees hired/promoted in critical response positions shall be given a period of twelve (12) months from the date of permanent employment to meet established residency requirements of the position. Failure to comply with this residence requirement shall be cause for dismissal or removal from the position to which promoted.

Cases involving extreme hardship making such a move impracticable, or other good and sufficient reasons considered to be controlling or in the best interests of the City, shall be referred to the City Administrator. Hardship requests must be sent in writing and include detailed explanation of the circumstances involved to the Department Director for approval and concurrence by the Human Resources Director. Final approval for a waiver rests with the City Administrator.

All employees are required to personally furnish the Human Resources Department and the Department Director with any changes in personal/marital status, change of address, telephone numbers, etc., for their permanent record within seven (7) days of such change.

## **Section W. Employee Assistance Program**

The City of Franklin recognizes that a wide range of problems not directly associated with one's job function can affect an employee's job performance. In most instances, such personal problems can be overcome independently and the effect on the job performance will be minimal. In other instances, normal supervisory counseling will provide the needed motivation or guidance by which such problems can be resolved so that job performance will return to an acceptable level. In some cases, regardless of the efforts of the employee or supervisor, unsatisfactory job performance persists over a period of time, either constantly or intermittently.

It is the policy of the City of Franklin to handle such problems within the following framework:

- 1) The City of Franklin recognizes that almost any human problem can be successfully treated, provided it is identified in its early stages and appropriate referral is made, whether the problem is one of physical, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems or other concerns.

- 2) When an employee's job performance or attendance is unsatisfactory, and the employee is unable or unwilling to correct the situation, either alone or with normal supervisory assistance, a cause outside of the realm of job responsibilities may be the basis of the problem.
- 3) The purpose of this policy is to assure employees that, if personal problems are the cause of unsatisfactory job performance, the employee will receive careful consideration and an offer of assistance to help resolve these problems in an effective and confidential manner.

The procedure for implementing the supervisor referral is as follows:

- 1) When an employee's work performance or attendance is unsatisfactory, it will be called to his/her attention per the regular procedure by the Department Director or immediate supervisor.
- 2) If low performance or attendance problems continue, the Department Director/supervisor will discuss the problem formally with the employee, whereby the employee is offered assistance through the EAP following corrective action procedures. This discussion will consist of a written counseling statement as outlined in the corrective action policy (Article XIV). Both the job-related problem and the offer of EAP must be documented.
- 3) As work-related problems occur, Department Directors and supervisors will not diagnose employee personal problems to try to find causes. If it appears that the employee cannot, or will not, improve his/her performance or attendance, the employee will be referred to the EAP by the Department Director or the Human Resources Director. The Department Director may notify the Human Resources Department and request assistance in making a referral.
- 4) The initial assessment with the EAP may be scheduled during regular work time, provided that the time away from the employee's department is approved by the Department Director. The employee will be paid for this time away from the department at the same rate received as if working his/her regular schedule and applies to the initial assessment only. Counseling time extending past the employee's regular scheduled work shift will not be compensated. The employee may use sick leave for subsequent visits.
- 5) If the employee accepts the offer of help and the job performance or attendance problems improve to a satisfactory level, no further action will be taken. If the employee's job performance or attendance problems continue, the regular disciplinary procedures will apply. (See Article XIV)
- 6) When the Department Director or Human Resources Director refers the employee for assistance, further communications will be made to the Department Director **or** Human Resources Director by the counselor only if a Release of Information

has been signed by the employee. Generally, the only information that is released is whether or not the employee made the appointment and is following the treatment plan.

The City of Franklin's EAP Program is operated by outside consultants and available free of charge to employees and family members living in the immediate household. Except under the circumstances outlined above, all information is confidential.

## **Section X. Obstruction of Rights**

No officer or employee of the City of Franklin shall consciously and by overt action(s) deprive any person of any rights to which such person is entitled under any law, ordinance, rule, or regulation of the City.

## **Section Y. Impartiality**

Each officer and employee of the City shall discharge his duties fairly and impartially. Determinations and decisions shall be made without discrimination on account of race, color, creed, national origin, sex, ancestry, age, disability, veteran's status, religious belief, political or organization affiliation, kinship or friendship.

## **Article XXIII – Amendments; Severability; Conflicts**

### **Section A. Amendments and Changes**

The provisions of this Human Resources Manual may be amended by formal resolution of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen enjoys the right to amend the Human Resources Manual, in accordance with the Municipal Code and state and federal laws, at any time. No employee or other person enjoys any contractual or vested right to the continuation of any rules, regulations, policies, procedures, provisions or employee benefits contained within this Human Resources Manual. The provisions of all employee benefits covered in this document are subject to annual appropriation by the Board of Mayor and Alderman. In addition, all benefits offered through third-parties are subject to the terms and conditions of the service contract between the City and the provider, which may be changed in the future., including the actual benefits offered, and any employee premiums and/or contribution rates.

Any of the provisions of this Human Resources Manual that are intended to comply with State or Federal laws or regulations shall be administered and implemented so as to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

### **Section B. Severability**

The provisions of this Human Resources Manual are hereby declared to be severable. Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this Manual be held by any court to be invalid or unconstitutional, then the same shall not invalidate or impair the validity, force and effect of any other rule or regulation, section or subsection, provisions, exception, sentence, clause, phrase, or part of this Manual unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid and unconstitutional, and the remainder of this Manual shall continue in full force and effect, it being the corporate intent, now hereby declared, that this Manual would have been passed, approved and adopted even if such unconstitutional or void matter had not been included herein.

### **Section C. Conflicts**

Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this Human Resources Manual be in conflict with any provision of the City Charter or Municipal Code, then the City Charter and Municipal Code shall prevail.

### **Section D. All Prior Rules Superseded**

These Rules and Regulations shall be the Human Resources Rules and Regulations for all Municipal Government employees of the City of Franklin, Tennessee, and shall supersede all

previous Human Resources Rules and Regulations. Those employees specifically excluded by Section 4 of the Municipal Code may not enjoy benefits and privileges of specific sections of the Human Resources Rules and Regulations. Any Rule or parts of Rules in conflict with the Human Resources Rules and Regulations or the Municipal Code are repealed to the extent of such conflict.

### **Section E. Departmental Rules**

Department Directors may implement additional policies and procedures which specifically govern their departments. These departmental policies and procedures must not be inconsistent with these Human Resources Rules and Regulations. The departmental policies and procedures must be submitted to the City Administrator through the Human Resources Director for approval before implementation, and a copy shall be available to all employees of that department at all times. Human Resources activities arising out of the administration of departmental policies and procedures are subject to the grievance and appeals procedures in accordance with these Rules and Regulations.

### **Section F. Implementing These Rules and Regulations**

It is the responsibility of the Department Directors to carry out these Rules and Regulations in consultation with the Human Resources Director. Department Directors and the Human Resources Director shall be held accountable to the City Administrator for failure to carry out these Rules and Regulations as written. The City Administrator and the Human Resources Director will advise and assist the Department Directors in enforcing and interpreting these Rules and Regulations.

### **Section G. Further Implementation**

The Human Resources Rules and Regulations contained herein are an outline covering Human Resources policies and procedures and may be further implemented by specific policies and procedures duly adopted by the Board of Mayor and Aldermen.

### **Section H. Provisions for Review**

It shall be the duty of the City Administrator to review and/or modify any action taken by the Human Resources Director.